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TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 75-2, Amdt. 6]

PART 1410—LIVESTOCK AND MEATS

BEEF REQUIRED TO BE SET ASIDE

Food Distribution Order No. 75-2, § 1410.18, as amended (8 F.R. 15308, 15810), is further amended to read as follows:

§ 1410.18 *Beef required to be set aside*—(a) *Definitions*. (1) The term "armed services of the United States" means the Army, Navy, Marine Corps, or Coast Guard of the United States, excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations.

(2) The term "governmental agency" means the armed services of the United States, the Office of Distribution, War Food Administration (including but not restricted to the Federal Surplus Commodities Corporation), the War Shipping Administration, and the Veterans' Administration.

(3) The term "set aside meat" means meat of the type and grade required to be set aside pursuant to this order.

(4) The term "authorized purchaser" means:

(i) Any person who is under contract to sell or deliver set-aside meat, or products prepared in whole or in part therefrom, to a governmental agency;

(ii) Any person who has delivered set aside meat, or products prepared in whole or in part therefrom, to a governmental agency, and has not replaced the set aside meat so delivered or contained in the products so delivered by a purchase of set aside meat in accordance with the provisions of this order;

(iii) Any person who is authorized by the Director to purchase set aside meat.

(5) The term "Northern Area of Zone 9" includes the following:

(i) Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; (ii) All that portion of New York east of and including the counties of Saint Lawrence, Jefferson, Lewis, and Herkimer, and east and southeast of and including the counties of Otsego, Delaware, Sullivan, Orange, Rockland, Westchester, New York, Bronx, Kings, and Richmond;

(iii) All that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juanita, Perry, and Franklin.

(iv) New Jersey and Delaware;

(v) All that portion of Maryland east and southeast of and including the counties of Washington, Frederick, Montgomery, Prince Georges, Charles, and Saint Marys; and

(vi) The District of Columbia.

(6) Any term not specifically defined herein shall have the meaning ascribed thereto in Food Distribution Order No. 75 (8 F.R. 11119), or Food Distribution Order No. 75-1 (8 F.R. 11327).

(b) *Quantity; grade; processing*. No Class 1 slaughterer shall deliver meat unless he shall:

(1) Set aside, reserve, and hold for delivery to governmental agencies or persons entitled to purchase set aside meat under a food distribution regulation:

(i) 50 percent of the conversion weight of each week's production of beef graded "U. S. Choice", "U. S. Good", and "U. S. Commercial", obtained from steers and heifers whose carcasses meet Army specifications for carcass beef or frozen boneless beef;

(ii) In the form of carcass or frozen boneless beef meeting Army specifications, 50 percent of each week's production of beef graded "U. S. Utility" produced from steers and heifers whose carcasses meet Army weight specifications; and

(iii) 80 percent of the conversion weight of each week's production of beef derived from cutter and canner grade cattle (Grade D beef); and

(iv) In the case of any slaughterer of kosher beef located in the Northern Area of Zone 9, who has registered with the Office of Price Administration as required by paragraph (d) of § 1364.407 of Maximum Price Regulation 169, as amended, the percentage applicable under (b) (1) (i) and (b) (1) (ii) hereof shall be 35

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percent for all beef derived from the slaughter of steers and heifers, the fore-quarters or wholesale kosher cuts of which have been sold or delivered as kosher beef to bona fide buyers of kosher beef.

(2) Bone in accordance with Army specifications for frozen boneless beef not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (i) hereof, and not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (ii) hereof: *Provided, however*, That the Order Administrator may exempt, wholly or partially, any Class 1 slaughterer from this requirement upon a proper showing that said slaughterer (i) does not have adequate facilities for boning, or (ii) does not have, or is unable to obtain, sufficient personnel to bone said beef, or (iii) is unable to comply with this requirement for any reason which appears to the Order Administrator to warrant such exemption.

(c) *Conversion weight.* Conversion weights shall be computed in accordance with (p) of Food Distribution Order No. 75-1 (8 F.R. 11327). The Director may, upon written application, revise any conversion weight factor where it is shown that such factor is working an undue hardship in the preparation of certain products.

(d) *Credits allowed on deliveries.* Subject to the provisions of (e) hereof, any set aside meat delivered to a governmental agency, authorized purchaser, or person entitled to purchase set aside meat under the provisions of a food distribution regulation, may be credited against the requirements of (b) hereof for meat of the type and grade so delivered.

(e) *Certificates.* No set aside meat shall be delivered to any authorized purchaser, and no credit shall be allowed for any such delivery unless, within 10 days

after delivery, the slaughterer obtains a certificate signed by the authorized purchaser, acknowledging receipt of the meat and containing the following: the name and address of both parties and the date of delivery; the contract number of the contract between the authorized purchaser and the governmental agency; and a statement by the authorized purchaser that the set aside meat so delivered, or an equivalent amount thereof, will be or has been used in the fulfillment of such contract. The slaughterer shall endorse on such certificate the conversion weight of such meat, together with a description permitting conversion in accordance with (p) of Food Distribution Order No. 75-1, *supra*. The slaughterer and the authorized purchaser shall each retain an original of such certificate for delivery to the Director upon request. All statements contained in or accompanying such certificate shall be deemed made to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(f) *Storage; packaging.* All beef set aside and reserved under this order shall be stored in such manner as to maintain the quality thereof, and shall be prepared and packaged in accordance with Army specifications.

(g) *Authorized purchasers required to redeliver.* Each authorized purchaser who receives set aside meat under the provisions of this order shall deliver all such meat, or an equivalent amount of set aside meat, to a governmental agency or person entitled to purchase set aside meat under the provisions of a food distribution regulation.

(h) *Allocation.* The Director may, in his discretion, by general order or written notice to individual slaughterers, order the allocation of meat set aside, reserved and held under this order to or among specific governmental agencies, authorized purchasers, or persons entitled to purchase set aside meat under a food distribution regulation. In the absence of such allocation, slaughterers may, subject to (e) hereof, sell meat so set aside, reserved and held to any such person or agency.

(i) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any Class 1 slaughterer is required to offer or to deliver under any existing contract with a governmental agency, as defined herein, or with the United States Maritime Commission.

(j) *Reports.* Every Class 1 slaughterer shall report to the Director the conversion weight of each week's production of set-aside meat, the amounts thereof delivered to governmental agencies, authorized purchasers, and persons entitled to purchase set-aside meat under a food distribution regulation, and the amount of set-aside meat purchased for delivery to governmental agencies.

(k) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective at 12:01 a. m., e. w. t., January 30, 1944.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75-2, as amended, prior to the effective date of this amendment, all provisions of Food Distribution Order No. 75-2, as amended, in effect prior to this amendment shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 75, 8 F.R. 11119)

Issued this 26th day of January 1944.

LEE MARSHALL,
Director of Food Distribution.

[F. R. Doc. 44-1401; Filed, January 27, 1944;
3:54 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial 301]

EASTERN AIRLINES OPERATIONS AT
BEAUMONT, TEX.

SPECIAL CIVIL AIR REGULATION

Noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations with respect to the operations of Eastern Air Lines at Jefferson County Airport, Beaumont, Texas.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 26th day of January, 1944.

The following Special Civil Air Regulation is made and promulgated to become effective February 1, 1944:

Notwithstanding § 40.2611 (b) of the Civil Air Regulations any first pilot listed in the Eastern Air Lines air carrier operating certificate on February 1, 1944, who is qualified as competent to operate an aircraft in scheduled air transportation between New Orleans, Louisiana, and Houston, Texas, on February 1, 1944, may pilot aircraft under day contact operations in scheduled transportation for said carrier into and out of Jefferson County Airport, Beaumont, Texas, upon furnishing evidence satisfactory to the Administrator showing that the pilot is thoroughly familiar with the form and condition of the airport and with the location and nature of any obstructions in the vicinity.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-1416; Filed, January 28, 1944;
10:28 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 5, Revocation of Direction 10]

WELDING ROD FOR REPAIR SHOPS

Direction No. 10 to CMP Regulation No. 5 is revoked. Repair shops may obtain welding rod by the use of the rating assigned by CMP Regulation No. 9A.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1419; Filed, January 28, 1944;
11:29 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-73, as Amended Jan. 28, 1944]

WOOL

§ 3290.286 Conservation Order M-73—(a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* In this order:

(1) "Wool" means the fiber from the fleece of the sheep or lamb, or the hair of the Angora goat (mohair) or the Cashmere goat, camel, alpaca, llama, vicuna, and related fibers, including carpet wool, but does not include noils, waste, tanners' wool waste, reprocessed or reused wool, or yarn or cloth;

(2) "Waste" means the by-product resulting from carding, combing, spinning and subsequent operations on any system, but does not include the by-product resulting from scouring and carbonizing operations;

(3) "Put into process" means:

(i) On the worsted system, the first operation of drawing after combing;

(ii) On any other system using tops, cut tops or broken tops, the first operation of cutting, breaking, picking or carding, as the case may be;

(iii) On the woolen, felt, or any other system not using tops, the first operation after scouring, carbonizing, dusting or similar cleaning or preparatory process;

(4) [Deleted Nov. 19, 1943]

(c) *Restrictions.* (1) No person shall put into process any wool other than carpet wool or mohair for the manufacture of any floor covering.

(2) No person shall put into process or use any alpaca or tops therefrom (except alpaca seconds, llama, huarizo,

pieces, low offsorts or locks), except for the manufacture of yarns or cloth to be delivered to or for the account of, or to be physically incorporated into material or equipment to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration.

(d) *Prohibition against sales or deliveries.* No person shall sell, deliver, or accept any material if he knows, or has reason to believe, such material is to be used in violation of this order.

(e) *General exceptions.* The restrictions of this order shall not apply to any person to the extent that such person puts wool into process for the making of wool products entirely by hand, including the spinning and weaving of the cloth.

(f) *Equitable distribution.* It is the policy of the War Production Board that wool, noils, waste, tanners' wool waste, and reprocessed or reused wool, and yarns, cloth, felts and products containing any of the foregoing, not required to fill rated orders, shall be distributed equitably. In making such distribution due regard shall be given to essential civilian needs, and there should be no discrimination in the acceptance or filling of orders as between persons who meet the seller's regularly established prices and terms of sale or payment. Under this policy every seller of such items, so far as practicable, should make available an equitable proportion of his merchandise to his customers periodically without prejudice because of their size, location or relationship as affiliated outlets. It is not the intention to interfere with established channels and methods of distribution unless necessary to meet war or essential civilian needs. If voluntary observance of the policy outlined is inadequate to achieve equitable distribution, the War Production Board may issue specific directions to named concerns. A failure to comply with a specific direction shall be deemed a violation.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Reports.* Every person classified below, to whom the form is sent by the War Production Board or by the Bureau

of the Census, shall, within the period specified in the reporting form, file with the War Production Board, or the Bureau of the Census, whichever is specified in the form, each form applicable to him, giving the information required, as follows:

Who shall file:	Form Number
1. A person in the business of putting into process wool or wool tops, or who has wool or wool tops put into process by another for his account.	WPB-2857 (formerly PD-274).
2. A person in the business of operating woolen, worsted or felting machinery.	WPB-2857, WPB-1420.
3. An owner, or a consignee from a grower, of wool, nolls, waste, tanners' wool waste, re-processed or re-used wool.	WPB-295, WPB-370.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, in writing, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M-73.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1420; Filed, January 28, 1944;
11:29 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-85, as Amended Jan. 28, 1944]

KAPOK

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of kapok for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.331¹ *General Conservation Order M-85—(a) Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Additional definitions.* For the purposes of this order:

(1) "Kapok" means the fiber or pulp from the pod of the Ceiba or Kapok tree.

(2) "Dealer" means any person purchasing kapok for resale and the term shall include also importers, agents and brokers.

(3) "Manufacturer" means any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) *Restrictions on sales and deliveries of kapok.* No dealer or manufacturer shall sell, transfer title to or deliver, and no person shall purchase, accept transfers of title to, or deliveries of, any kapok except upon the following categories of order:

(1) Purchase orders placed by the Army or Navy of the United States, the United States Maritime Commission, the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose of any of the foregoing.

(2) Purchase orders placed by dealers.

(3) Purchase orders placed by manufacturers for delivery in any calendar month of the minimum amounts necessary (taking into consideration their existing inventories) to enable them to continue until the end of said calendar month to produce products listed in paragraph (d) below.

(4) Purchase orders specifically allocated to manufacturers by the War Production Board on Form WPB 2562.

(d) *Restrictions on the use of kapok for manufacturing purposes.* Unless authorized pursuant to application filed on Form WPB-1076, no manufacturer shall use any kapok of Java grades except to fill direct orders placed by the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or by subcontractors therefor, for life vests or life jackets and collars.

No manufacturer shall use any kapok of grades other than Java in any product unless required by a defense order and authorized pursuant to application on Form WPB-1076.

(e) *Assignment of preference rating.* A preference rating of AA-5 is hereby assigned to all orders for kapok placed by the Board of Economic Warfare, the Defense Supplies Corporation, or any corporation organized under the authority of section 5d of the Reconstruction Finance Corporation Act, as amended, or any representative designated for the purpose by any of the foregoing, and such rating may be applied in the manner prescribed by Priorities Regulation No. 3, as amended.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(g) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless

otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Ref.: M-85.

(h) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(i) *Reports.* On or before the 15th day of each calendar month all owners of kapok shall file two copies of Form WPB-642 with the United States Tariff Commission, 7th and E Streets, N. W., Washington 25, D. C.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1421; Filed, January 28, 1944;
11:29 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[General Limitation Order L-140-a as Amended Jan. 28, 1944]

CUTLERY

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metals used in the production of cutlery for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.175 *General Limitation Order L-140-a—(a) Definitions.* For the purposes of this order:

(1) "Cutlery" means any professional food processing cutlery, as defined in Schedule A, any professional kitchen cutlery, as defined in Schedule B, any household kitchen cutlery, as defined in Schedule C, any household table cutlery, as defined in Schedule D, any pocket cutlery, as defined in Schedule E, any scissors, shears and trimmers, as defined in Schedule F, any hand hair or fetlock clippers, as defined in Schedule G, any industrial cutlery, as defined in Schedule H, and any hunting or fixed blade sheath knife, any carving sets, any poultry shears, any implement designed or intended for manicuring, for pedicuring or for extracting blackheads, including but not limited to nail files, nail nippers, nail clippers, pushers, picks, cuticle scissors, cuticle pushers, cuticle clippers and cuticle nippers, and any other hand operated, fixed or folding, cutting blade or fork with a handle or handles of any material attached so as to become an integral part of the implement. "Cutlery" shall not include any article of flatware, as defined in Order L-140-b, when issued, or any of the articles subject to Order L-30-d, as amended from time to time, or surgical instruments.

¹ Formerly Part 1083—Kapok, § 1083.1.

(2) "Manufacturer" means any person engaged in the business of fabricating or assembling any new cutlery from any raw material, purchased parts or previously used or fabricated material, or who performs any hand or mechanical fabricating or assembling operation on an article of cutlery.

(3) "Process" means the first change by a manufacturer in the form of material (whether raw material, semi or fully fabricated material or finished parts) from that form in which it is received by him, or the first assembly by a manufacturer of material which is not changed in form by him. Any manufacturer who did not maintain records during the base period as to his processing of metals in terms of weight, but who maintained records in terms of units of cutlery only, may apply all percentages contained in this order and schedules in terms of units rather than in terms of weight.

(4) "Base period" means the period beginning July 1, 1940 and ending June 30, 1941, inclusive.

(5) Gauges when referred to in this order, are subject to commercial tolerances.

(b) *Restrictions on kinds of cutlery which may be manufactured.* No manufacturer shall process any metal for new cutlery which is not of a type defined in a schedule in this order.

(c) *Restrictions on quantity of cutlery produced.* No manufacturer shall process more metal in the production of any new cutlery than the amount specified for that class of cutlery in the appropriate schedule attached to this order.

(d) *Exceptions for military orders.* In addition to the production permitted by paragraph (c) above a manufacturer may process sufficient additional amounts of metal to fill purchase orders or contracts for cutlery to be delivered by him to or for the account of

(1) The War Shipping Administration,

(2) The United States Maritime Commission,

(3) The United States Navy (excluding purchase orders placed by or for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB-1319 (formerly PD-556), pursuant to an application filed on said Form, the filling of purchase orders for cutlery for delivery to United States Navy Ship's Service Departments or United States Marine Corps post exchanges for resale within but for use outside the 48 United States and the District of Columbia. In completing said form supply all information called for in section I, and information called for in parts (a), (d), (e) and (f) of section II. Omit parts (b) and (c) of section II. In section III supply information called for in parts (1) (a) and (8). Omit information called for in parts (1) (b), (2), (3), (4), (5), (6) and (7) of section III. Form WPB-1319 (formerly PD-556) is to be filed and executed only by the Bureau of Naval Personnel, Navy Department,

Washington, D. C., and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified in section I of said form.

(4) The United States Army (excluding purchase orders placed by or for delivery to United States Army post exchanges for resale by them within the 48 United States and the District of Columbia and not for use as equipment). The War Production Board may specifically authorize on Form WPB-1319 (formerly PD-556), pursuant to an application filed on said form, the filing of purchase orders for cutlery for delivery to and use by post exchanges located in areas designated by the United States Army as "staging areas." In completing said form supply all information called for in section I, and information called for in parts (a), (d), (e) and (f) of section II. Omit parts (b) and (c) of section II. In section III supply information called for in parts (1) (a) and (8). Omit information called for in parts (1) (b), (2), (3), (4), (5), (6) and (7) of section III. Form WPB-1319 (formerly PD-556) is to be filed and executed only by the Army Exchange Service of New York, and if a specific authorization is granted, such authorization will be forwarded to the manufacturer specified in section I of said form.

(e) *Specifications.* No manufacturer shall process any metal for the production of any new cutlery which does not conform to the specifications contained in the applicable schedules in this order except that these specifications do not apply to orders for household table cutlery, pocket cutlery and hunting or fixed blade sheath knives, or orders for other cutlery accepted by the manufacturer prior to July 1, 1943: *Provided*, That such orders are for the agencies specified above in paragraph (d).

(f) *Metal restrictions.* No manufacturer shall process any metals other than iron, carbon steel, gold and silver in the production of cutlery, except

(1) Lead for bolsters or rivets;

(2) Chromium for plating;

(3) Zinc as provided in Schedule G and H of this order subject to the restrictions contained in the M-11 series, as amended from time to time.

(g) *Hardness of knife blades and sharpening steels.* No manufacturer shall process any steel for the production of:

(1) Knife blades for cutlery which when finished tests less than 45, Rockwell C Scale;

(2) Sharpening steel which when finished tests less than 62, or more than 68, Rockwell C Scale.

NOTE: Paragraphs (h) through (o), formerly (k) through (r), redesignated Jan. 28, 1944.

(h) *Special provision affecting distribution of overruns, rejects and cancellations.* When material for the production of cutlery is obtained with priorities assistance and, because of cancellations of orders or other reasons, can no longer be used for the purpose for which the assistance was given, such material may only be used as allowed in § 944.11, paragraph (b) of Priorities Regulation No. 1,

Similarly, when such material has been manufactured into cutlery to fill a specific contract and that cutlery, because of overruns, rejects, cancellations or other reasons, cannot be used for that purpose, it may be used or disposed of only as allowed in that section. One of the ways in which these materials or products may be used or disposed of is outlined in subparagraph (5) of that paragraph, which permits use and disposal in any manner specifically authorized in writing by the War Production Board. Applications for such authorization may be made on Form WPB-1319 (formerly PD-556).

(i) *Partial revocation of L-140.* On and after July 1, 1943, the restrictions contained in L-140 are hereby superseded and L-140 is hereby revoked in so far as it applies to the production of any cutlery other than silver plated flatware restricted in paragraph (b) (5) of that order.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the production of cutlery inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(k) *Reports.* (1) Prior to July 15, 1943, every manufacturer of cutlery shall execute and file in duplicate with the War Production Board, Washington 25, D. C., Ref: L-140-a, a report as to the aggregate amount of all metals processed by that manufacturer during the base period and grouped in accordance with the classes as specified in the definitions contained in the individual schedules attached to this order. Manufacturers who compute their processing of metals in units in accordance with paragraph (a) (3) of this order may file such report in units. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every manufacturer affected by this order shall execute and file with the War Production Board, Washington 25, D. C., Ref: L-140-a, on or before the 10th day of July, 1943, and on or before the 10th day of each calendar month thereafter, Form WPB-1600 (formerly PD-655).

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time, except as provided in paragraph (j) (2).

(m) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(n) *Appeals.* Any appeal from the provisions of this Order shall be filed on

Form WPB-1477 (PD-500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(c) *Communications.* All reports to be filed hereunder or communications concerning this order should be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-140-a.

Issued this 28th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—PROFESSIONAL FOOD PROCESSING CUTLERY

NOTE: Fifth paragraph deleted Jan. 28, 1944.

Definitions. "Professional food processing cutlery" means any hand operated knives, cleavers, splitters, sharpening steels, beef tiers, ham stringers, coring hooks, canning or pitting spoons, and other hand cutlery designed for, but not limited to, use in packing houses, quick-freezing plants, canneries and dehydrating plants for slaughtering, cleaning, dressing, boning and otherwise processing meats, poultry, fish, vegetables, fruits, and other food stuffs; and also hand cutlery designed for, but not limited to, use in butcher shops and provision markets for the further processing of meats and other foods.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon, and does not apply to the grind or finish of the blade or bowl, or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional food processing cutlery except that which conforms to the following specifications.

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Minimum length in inches
Butcher knife. Not lighter than .083" in thickness.	1	4	6
Steak knife (Scimitar shape).	1	2	10
Trimming or heading knife.	1	1	
Ribbing knife.	1	1	
Boning knife (Straight blade).	2	2	
Boning knife (Curved blade).	1	1	
Sticking knife.	1	1	6
Sticking knife (chicken).	1	1	
Sticking knife (turkey).	1	1	
Skinning knife.	2	1	
Pinner knife (pinfeather).	1	1	
Sharpening steels.	1	3	
Fish splitting or gutting knife.	1	1	
Fish splitting knife.	1	1	
Fish sliming knife.	1	1	
Fish filet knife.	1	1	
Clam knife.	1	1	
Oyster knife.	2	1	
Scalloping knife.	1	1	
Sponge or fishermen's sheath knife.	1	1	
Ham stringer.	1	1	
Beef tier.	1	1	
Fruit canning knife (California type).	1	3	
Canning knife (California type).	1	1	
Tomato knife.	1	1	
Beet topping knife.	1	1	
Pitting spoon.	3	1	
Tomato spoon.	1	1	
Coring hook.	2	1	
Cleavers.	2	1	
Splitters.	2	1	

On and after July 1, 1943, no manufacturer shall process any metal in the produc-

tion of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional food processing cutlery more iron and steel in the aggregate than 225% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional food processing cutlery.

SCHEDULE B—PROFESSIONAL KITCHEN CUTLERY

NOTE: Fifth and last paragraphs deleted Jan. 28, 1944.

Definitions. "Professional kitchen cutlery" means any hand operated knives, forks, scrapers, turners and spatulas used in the preparation of food, designed for, but not limited to, use in the bakery trade and in kitchens of hotels, restaurants, cafeterias, hospitals, institutions and other public eating places.

"Pattern" means the outline shape of the blade of a knife or fork, or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length" unless otherwise specified, means the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any professional kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum number of patterns	Maximum number of lengths per pattern	Length in inches
Butcher knife (not heavier than .072" in thickness, nor lighter than .063" in thickness).	1	2	8" Maximum.
Cook's knife (Sabatier shape, no heel, no bolster).	1	2	8" Minimum.
Meat slicer.	2	1	10" Minimum.
Utility slicer.	2	1	8" Maximum.
Paring knife.	2	1	5" Minimum.
Cook's fork (forged blade).	1	1	14" Maximum, including handle.
Cook's fork (blacked blade, hardened and tempered).	1	1	
Spatula.	1	3	8" Minimum.
Baker's scraper (1 weight of blade only).	1	1	
Cake turner (spatula type).	1	1	
Hamburg turner (spatula type).	1	1	

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless spe-

cifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of professional kitchen cutlery more iron and steel in the aggregate than 75% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of professional kitchen cutlery.

SCHEDULE C—HOUSEHOLD KITCHEN CUTLERY

NOTE: Fifth paragraph deleted Jan. 28, 1944.

Definitions. "Household kitchen cutlery" means hand operated knives and forks used in the preparation and serving of food, and designed for use in home kitchens.

"Pattern" means the outline shape of the blade of a knife or fork. It does not apply to the grind or finish of the blade or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any household kitchen cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	Length in inches
Slicer.	2	1	9" maximum
Cook's fork (blacked blade, hardened and tempered).	1	1	10 1/2" maximum (including handle).

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household kitchen cutlery more iron and steel in the aggregate than 35% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household kitchen cutlery.

SCHEDULE D—HOUSEHOLD TABLE CUTLERY

NOTE: "Metal for bolsters * * *" deleted Jan. 28, 1944.

Definitions. "Household table cutlery" means any knife, fork, spoon or any other cutlery of plated or unplated metal, with handles made of other material than metal, designed for the actual serving and eating of food in the home, other than all metal flatware.

"Pattern" means the outline shape of the blade of a knife or fork or the bowl of a spoon. It does not apply to the grind or finish of the blade or bowl or to the type of material, finish or color of the handle.

"Length" means, unless otherwise specified, the dimension of the blade or bowl measured from its tip to the place at which it enters the handle, plus or minus one-quarter inch.

Permissible types. No manufacturer shall process metal in the production of any house-

hold table cutlery except that which conforms to the following specifications:

Description of item	Maximum No. of patterns	Maximum No. of lengths per pattern
Table knife.....	1	1
Dessert fork.....	1	1
Dessert spoon.....	1	1
Teaspoon.....	1	1

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of household table cutlery more iron and steel in the aggregate than 50% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of household table cutlery.

SCHEDULE E—POCKET CUTLERY

Definitions. "Pocket cutlery" means any folding blade knife.

"Pattern" means the outline shape of the skeleton or frame. It does not apply to the shape of, number of or finishes of blades, or to the type of material, finish or color of the handle.

"Length", unless otherwise specified, means the outside measurement of the skeleton or frame of the knife, subject to a tolerance (plus or minus) of $\frac{1}{16}$ th inch.

"Number of blades per knife" refers only to the number of blades which may be fastened directly or indirectly to each skeleton or frame and does not refer to the shape or finish of the blades. Different styles of blades may be mounted on the same pattern of skeleton or frame. For instance, the specifications state that not more than one blade may be fastened to each skeleton or frame of a pruning, maize or navy knife. The manufacturer may produce as many styles of blades for such pruning, maize or navy knives as he wishes, so long as each completed knife contains only a single blade, irrespective of its style.

Permissible types. No manufacturer shall process metal in the production of pocket cutlery except that which conforms to the following specifications:

Description of items	Maximum No. of patterns	Maximum No. of lengths per pattern	No. of blades per knife
General utility knife.....	1	1	Maximum 4.
Premium stock knife or cattle knife.....	3	1	Maximum 3.
Jackknife. No. of weights, 2.....	1	3	2 only.
Pruning, maize or navy knife.....	1	1	1 only.
Budding or grafting knife.....	1	1	1 only.
Electrician's knife.....	1	1	2 only.
Scout knife.....	1	1	4 only.
Self opening knife.....	1	2	1 only.

No item in this List E may be made with a handle less than 3% inches in length nor less than $\frac{3}{8}$ of an inch in thickness at the narrowest point.

On and after July 1, 1943, no manufacturer shall process any metal in the production of the cutlery specified in this schedule which differs in pattern or length from such cutlery produced by him prior to that date. Once having processed metal for his full choice of number and types of patterns and lengths specified in this schedule and produced by him prior to that date, no manufacturer shall process metal for a different pattern or length whether or not it is in substitution of a discontinued pattern or length unless specifically authorized to do so by the War Production Board in writing.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of pocket cutlery more iron and steel in the aggregate than 60% of the average quarterly amount of iron, steel and other metals in the aggregate processed by that manufacturer during the base period in his production of pocket cutlery.

SCHEDULE F—SCISSORS; SHEARS AND TRIMMERS

Definitions. "Scissors" means any two bladed, hand operated cutting implement having two rings, each of a size sufficient to accommodate not more than one finger or thumb in each ring, designed for use in industrial plants, schools, dressmakers' establishments, department stores, homes, etc., for cutting cloth, paper and miscellaneous materials; including nail scissors, but excluding surgical scissors and barber shears and scissors.

"Shears and trimmers" means any two bladed, hand operated cutting implement having one ring of a size sufficient to accommodate two or more fingers and a second ring which is smaller and barber shears or scissors possessing a protruding finger rest, but not including animal and agricultural shears and trimmers or metal cutting shears or snips.

Permissible amount of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of scissors more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of scissors.

During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of shears and trimmers more iron and steel in the aggregate than 65% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of shears and trimmers.

SCHEDULE G—HAND HAIR CLIPPERS

Definitions. "Hand hair clippers" means clippers operated by hand, designed for but not limited to use in barber shops, beauty parlors, hospitals or homes for cutting human hair, and including fetlock clippers.

"Length" means the over-all measurement of the article from the tip of the stationary handle to the tip of the cap or head.

"Pattern" means the outline shape of the head, cap and handles, including horns and finger rests of the completed article, without the plates. It does not refer to the finish, color or weight of the article.

Permissible types. No manufacturer shall process metal in the production of any hand hair clippers except those which conform to the following specifications:

General description	Maximum No. of patterns	Maximum No. of lengths
Large heavy duty clippers.....	1	1
Light weight clippers.....	1	1
Fetlock clippers.....	1	1

Permissible amount of metal. During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new large heavy duty hand hair clippers and fetlock clippers more iron, steel and zinc in the aggregate than 45% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new large heavy duty hand hair clippers, and fetlock clippers.

During the year beginning July 1, 1943, and during any succeeding year, no manufacturer shall process in the production of new light weight hand hair clippers more iron, steel and zinc in the aggregate than 25% of the amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of new light weight hand hair clippers.

Restrictions on distribution. On and after July 1, 1943, no manufacturer shall transfer the physical possession of or title to any new light weight hand hair clipper produced after that date except to or for the account of persons acquiring such light weight hand hair clippers for export to and consumption or use in a foreign country.

SCHEDULE H—INDUSTRIAL CUTLERY

Definitions. "Industrial cutlery" means hand operated knives or similar articles designed for use primarily in, but not limited to, shoe, rubber, linoleum, electrical and other manufacturing plants; and in the shipbuilding, storage battery, automotive, tire repair, painting, furniture, office supply and other trades; including but not limited to putty knives, scrapers, wallpaper trimmers, paper hangers' knives, casing knives, corner knives, linoleum knives, roofing knives, manual training knives, wood carving knives, pattern makers' knives, stencil knives, rubber knives, shoe knives, cotton sampling knives, broom corn knives, and similar industrial knives; and also adjustable knife blades with detachable handles designed for essential cutting operations.

Permissible amounts of metal. During the period of three calendar months beginning July 1, 1943, and during any succeeding period of three calendar months, no manufacturer shall process in the production of industrial cutlery more iron, steel, and zinc in the aggregate than 200% of the average quarterly amount of iron, steel and other metals in the aggregate processed by such manufacturer during the base period in his production of industrial cutlery.

[F. R. Doc. 44-1422; Filed, January 28, 1944; 11:29 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 11, Amdt. 11]

REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 5.5 is amended to read as follows:

SEC. 5.5 *This order does not cover rationed foods obtained, or which may be obtained, as a provisional allowance. (a) The provisions of this order do not apply to rationed foods which an industrial*

*Copies may be obtained from the Office of Price Administration.

18 F.R. 9625, 10419, 11671, 12558, 12711, 13171, 13920, 16840, 17511.

user obtains (or, which, under the provisions of the food ration orders, he may obtain) as a provisional allowance.

This amendment shall become effective February 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 27th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1402; Filed, January 27, 1944;
3:57 p. m.]

CENTS PER POUND

	Refined unbleached and unde- odorized	Refined bleached and unde- odorized	Refined deodorized and un- bleached	Deodorized and bleached soybean oil	Winterized soybean oil	Hydrogen- ated mar- garine soy- bean oil	High titre hydrogen- ated soy- bean oil
F. o. b. Decatur, Ill.....	12.59	12.73	12.80	12.94	13.40	13.80	13.95

(1) The usual or normal differentials for grade, above or below these basic grades, shall continue to apply.

(2) The usual or normal differentials for type of container shall continue to apply.

3. Section 5.2 is amended to read as follows:

SEC. 5.2 *Refined soybean oil produced from the 1942-43 soybean crop and sold for industrial use.* Where refined soybean oil produced from the 1942-43 soybean crop is sold to be used ultimately for industrial usages and not for edible purposes, the seller may add ½ cent per pound to the maximum prices established for such oil by section 5.1 (b) hereof.

This amendment shall become effective February 2, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1403; Filed, January 27, 1944;
3:57 p. m.]

PART 1306—IRON AND STEEL

[RPS 49, Amdt. 20]

RESALE OF IRON OR STEEL PRODUCTS

Correction

In the first line of item 12 of F.R. Doc. 44-735, which appears on page 604 of the issue for Saturday, January 15, 1944, the section number should read: § 1306.159.

*Copies may be obtained from the Office of Price Administration.

8 F.R. 11150, 11508, 11296, 11739, 12022, 12542, 12559, 12873, 15523, 15670, 17227.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 13]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 53 is amended in the following respects:

1. In section 5.1 (b) the text preceding the table is amended to read as follows:

(b) Refined soybean oil produced from the 1942-43 soybean crop—in tank cars, basis f. o. b. Decatur, Illinois:

2. A new section 5.1 (c) is added to read as follows:

(c) Refined soybean oil produced from the 1943-44 soybean crop—in tank cars, basis f. o. b. Decatur, Illinois:

PART 1381—SOFTWOOD LUMBER

[2d Rev. MPR 222, Amdt. 1]

NORTHERN SOFTWOOD LUMBER

Correction

In F.R. Doc. 44-1004, which appears on page 789 of the issue for Friday, January 21, 1944, the last line should read: Issued this 19th day of January 1944.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 101]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The definition of "Rationed fats or oils" in section 24.1 (a) is amended by inserting after the word "cottonseed," in subparagraph (3) the words "sesame seed."

This amendment shall become effective January 25, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 25th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1321; Filed, January 25, 1944;
4:03 p. m.]

8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161, 16260, 16263, 16424, 16527, 16606, 16695.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[TMPR 34, Amdt. 1]

SWEET POTATOES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

In section 1 (a) a phrase is added to read as follows: "and sales to dehydrators of sweet potatoes for dehydration purposes."

This amendment shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 27th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 26, 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-1404; Filed, January 27, 1944;
3:57 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—REGULATIONS FOR SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in section 1, Title II of the Espionage Act, approved June 15, 1917, 40 Stat. 220, as amended by the Act of November 15, 1941, 55 Stat. 763 (U.S.C. Title 50, sec. 191, 191a), and by virtue of the Proclamation and Executive order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581) respectively, the regulations relating to the control of vessels in the navigable waters of the United States, are hereby amended as follows:

Amend § 6.3-3 as follows:

§ 6.3-3 *Waters of Lake Ontario; aerial ground firing range—(a) The danger zone.* The aerial gunnery range is 11,000 feet long by 4,000 feet wide and about 2 miles northwest of the entrance to Olcott Harbor, New York, described as follows: Commencing at a point 10,900 feet azimuth 318°30' from Olcott Light, said point being the southeasterly corner of the range area; thence northerly (lake-ward) 4,000 feet azimuth 345°, thence westerly 11,000 feet azimuth 255°, thence southerly (shoreward) 4,000 feet azimuth 165°, thence easterly 11,000 feet azimuth 75° to the point of beginning. All azimuths given being true azimuths.

(b) *The regulations.* (1) Vessels and small craft are prohibited from entering the restricted area at all times; and no

8 F.R. 17306, 9 F.R. 612.

pound net, staked gill net or fyke net or any other type of net, fastened by means of poles, stakes, weights or anchors, shall be set therein.

(2) These regulations shall be enforced by Captains of the Port and by the Army Air Forces Area Supervisor and their authorized representatives.

Amend § 6.3-76 (b) by adding the following subparagraph:

(3) Notice that the torpedo testing range is in operation will be given by displaying a large red flag on the firing barge and by displaying red flags on rafts of the range.

Amend Subpart C by adding the following sections:

§ 6.3-77 *Rockaway Inlet Anchorage (Naval anchorage)*—(a) *The area.* Beginning at a point located in Latitude 40°34'41" N., Longitude 73°53'19" W., thence on a bearing 154½° true to the North Lift Tower, Marine Parkway Bridge; thence 262° true for a distance of 900 yards; thence 358½° true to the shore at Barren Island.

(b) *The regulations.* This anchorage is defined and established exclusively for the mooring of Naval vessels.

Amend § 6.5-10 to read as follows:

§ 6.5-10 *Gunnery ranges and seaplane landing area, U. S. Naval Air Station, Patuxent River, Md.*—(a) *The danger zone*—(1) *Machine gun range.* The waters on the western shore of Chesapeake Bay south of Cedar Point, Maryland, within an area bounded as follows: On the north, a line 107° (true) a distance 1.5 miles, from the Armament Test Hangar at U. S. Naval Air Station; on the east, a line 147° (true) from Drum Point Light; on the south, a line 057° (true), a distance 2 miles from Point No Point; and on the west, the shore line of Chesapeake Bay between Point No Point and the Armament Test Hangar.

(2) *Aerial gunnery range.* The waters of Chesapeake Bay south of a line between Cedar Point, Maryland, and the southern tip of Barren Island; west of a line between the southern tip of Barren Island and Shanks Island, Virginia; north of a line between Shanks Island and Smith Point Light, Virginia, and east of a line between Smith Point Light and Point Lookout and the shore line of Chesapeake Bay between Point Lookout and Cedar Point.

(3) *Ground gunnery range.* The waters of Chesapeake Bay contained by that portion of a circle whose outer limit is 5 nautical miles from the circle center at the Armament Test Hangar (approximate geographical position 38°16' N., 76°24' W.); whose northern limit is the intersection of this same circle with a line running between Cedar Point, Maryland, and the southern tip of Barren Island; and whose southern limit is the intersection of that circle with the shore line.

(4) *Seaplane landing area.* The waters on the western shore of Chesapeake Bay south of Cedar Point, Maryland, within an area bounded as follows: A line between Cedar Point Lighthouse and the southern tip of Barren Island for a distance of 2 miles; thence due south for a

distance of 3 miles; thence due west to the shoreline; thence northeasterly along the shoreline to the Cedar Point Light-house.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the Machine Gun Range or Seaplane Landing Area at any time.

No vessel or other craft, except military and naval vessels engaged in scheduled gunnery and training exercise, shall enter or remain in the Aerial Gunnery Range or the Ground Gunnery Range during their use for firing practice except as provided in paragraph (b) (5) and (7).

(2) Advance notice shall be given of the date on which the first firing practice is conducted and such notice shall be published in the "Notice to Mariners." The range will be in use throughout the year and no further notice is contemplated that firing is continuing.

(3) Prior to the conduct of firing practice the area will be patrolled by Navy aircraft to insure that no watercraft are within the danger area, and any watercraft in the vicinity will be warned by means of signals that firing practice is to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(4) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of firing practice.

(5) Through navigation of commercial craft proceeding on established steamer lanes will be permitted traverse of the Aerial Gunnery Range and Ground Gunnery Range at all times. Such vessels shall proceed on their normal course and shall not delay their progress.

(6) Through navigation of naval and military vessels will be permitted in the Ground Gunnery Range. The movements of all such vessels through this area will be reduced to a minimum.

(7) Military and naval vessels will conduct gunnery and training exercise in that area of the Aerial Gunnery Range that does not include the limits of the Machine Gun and Ground Gunnery Ranges. Where there is apparent conflict between surface craft with their attendant planes and planes operating under the control of the Naval Air Station, Patuxent River, the Naval Air Station, Patuxent River planes are expected to keep clear.

(8) These regulations shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate, and the Captain of the Port.

§ 6.5-14 *Restricted area, Newtown Neck, St. Mary's County, Maryland*—(a) *The area.* The water area enclosed between the following lines and the shoreline of Newtown Neck, St. Mary's County, Maryland: A line from Howard's Wharf to Long Point in St. Clement Bay, thence to Newtown Neck Buoy 2, thence to Heron Island Shoals Buoy, thence to Huggins Point Light, thence to Breton Bay Buoy 2A, and thence across the westerly end of Breton Bay to the western shore of the entrance to Combs Creek.

(b) *The regulations.* (1) No vessel or craft shall enter or remain in the area above designated, or any part thereof, when notified to keep clear by an enforcing authority, nor shall any vessel or craft approach at any time within 500 yards of the northwest shoreline of Newtown Neck extending from Long Point, nor the west, south and east shorelines of Newtown Neck extending from Long Point.

(2) These regulations shall be enforced by the Commandant, Potomac River Naval Command, and by the Commanding Officer, Coast Guard Forces, Potomac River Naval Command, or their authorized representatives.

Amend No. 2 under § 6.5-25 (a) (4) to read as follows:

§ 6.5-25 *Hampton Roads and the Harbors of Norfolk and Newport News, Virginia.* * * *

NOTE 2: The established anchorages for Naval vessels having been found inadequate at times when an especially large number of Naval vessels are gathered in Hampton Roads, and the Navy Department having requested the establishment of a series of anchorage berths for such occasions in order that a Naval vessel may be ordered to proceed to a designated numbered or lettered anchorage berth in the harbor, the following arrangements have been made: An overlay for Naval anchorage berths in Hampton Roads has been superimposed on U.S.C. and G.S. Chart #400 by the Hydrographic Office of the Navy Department. This overlay, known as H.O. Anchorage Chart G, shows Naval anchorage berths in Anchorages A, B, C, E, F-1, and G. Those designated anchorage berths, with the exception of those in Naval Anchorage B which are primarily for Naval vessels, are not set aside for the exclusive use of Naval vessels, but permission will be given for Naval vessels to use them when available. When the Captain of the Port receives notification from the proper Naval authorities that it is desired to utilize certain of the anchorage berths set out on the above-mentioned overlay in Anchorages A, C, E, F-1, or G, he will authorize their use by Naval vessels if they can be made available, the commercial condition at the time being given proper consideration. If in the opinion of the Captain of the Port there are sufficient reasons why the berths first asked for should not be used, he will confer with the Naval Officer making the request and if other berths can be agreed upon he will authorize their use, otherwise he will communicate the request to the Secretary of the Navy with a statement of the circumstances and his recommendation.

Amend § 6.5-25 (a) by adding the following notes to subparagraphs 3, 7, 9, and 10:

(3) *Temporary anchorage A, Hampton Bar.* * * *

NOTE 2: See Note 2 under anchorage B below.

(7) *Anchorage E, middle ground anchorage.* * * *

NOTE 2: See Note 2 under anchorage B above.

(9) *Anchorage F-1; anchorage for vessels carrying explosives.* * * *

NOTE 2: See Note 2 under anchorage B above.

(10) Anchorage G, Newport News.

NOTE 2: See Note 2 under anchorage B above.

§ 6.7-3 *Crooked River, Fla.: Camp Gordon Johnston firing range, St. James Island.*—(a) *The danger zone.* The firing range, which constitutes a danger zone, is located on St. James Island, the direction of fire being northwesterly across Crooked River, from a point one-half mile east of New River to a point one-half mile west of Ochlockonee River.

(b) *The regulations:* (1) When firing is in progress, patrol boats will be stationed at each end of the danger zone in Crooked River to restrict the use of the river for navigation and to notify boats desiring to pass through the river when such passage will be safe and permissible. No vessel shall cross the danger zone contrary to instructions from the patrol boats.

(2) Firing over this range will normally take place between the hours of 6:00 a. m. and 5:00 p. m. on all days except Saturdays, Sundays and legal holidays.

(3) These regulations will be enforced by the Captain of the Port and the Commanding Officer, Camp Gordon Johnston, Florida, or their authorized representatives.

Amend § 6.7-5 to read as follows:

§ 6.7-5 *Ft. Pierce Inlet, Fort Pierce, Florida: Restricted and danger zone in vicinity of.*—(a) *Restricted area.* The restricted area is rectangular, approximately 1.45 nautical miles wide from east to west and 8.85 miles long from north to south, with Ft. Pierce Inlet approximately 0.1 nautical mile south of the south boundary, and is bounded as follows:

North Boundary. A line drawn from a point in latitude 27°36'18" N., longitude 80°21'15" W., thence easterly to latitude 27°37'04" N., longitude 80°19'45" W. (approximately 9 nautical miles north of Ft. Pierce Inlet).

East Boundary. A line drawn from a point in latitude 27°37'04" N., longitude 80°19'45" W., thence southerly to latitude 27°28'30" N., longitude 80°16'42" W. (approximately 0.7 nautical mile offshore and paralleling the coast).

South Boundary. A line drawn from a point in latitude 27°28'30" N., longitude 80°16'42" W., thence westerly to latitude 27°28'16" N., longitude 80°18'00" W. (approximately 0.1 nautical mile north of Ft. Pierce Inlet).

West Boundary. A line drawn from a point in latitude 27°28'16" N., longitude 80°18'00" W., thence northerly to latitude 27°36'18" N., longitude 80°21'15" W. (approximately 0.5 nautical mile inland from coast line at south point and 0.8 nautical mile inland from coast line at north point).

(b) *The regulations.* (1) The restricted area is closed to navigation at all times, and no vessel or other craft shall enter or remain within this area.

(2) Naval and Military training operation will take place in this area at frequent and regular intervals throughout the year regardless of the season. Notice of the establishment of this area appeared in Paragraph 2674 of "Notice to Mariners" No. 37, dated 15 September,

1943. At intervals of not more than three months, notice will be sent out that operations are continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners".

(3) The activities within this area include both land and water operations. These operations are continually in progress at all times and all land and watercraft are warned not to enter the area until such time as operations have ceased, without proper permission from Commanding Officer, Amphibious Training Base, Fort Pierce, Florida, or his duly authorized representative.

(4) These regulations shall be enforced by the Captain of the Port and by the Commandant Seventh Naval District, Miami, Florida, and their authorized representatives.

Amend Subpart C by adding the following sections:

§ 6.7-26 *Gulf of Mexico and Tampa Bay, Fla., in vicinity of Passage Key: Aerial ground gunnery and practice bombing area, Third Air Force, U. S. Army, Tampa, Fla.*—(a) *The danger zone.* An area in the Gulf of Mexico and the mouth of Tampa Bay, including the island designated as Passage Key, bounded by straight lines as follows: Beginning at Lat. 27°34'00" N., Long. 82°44'00" W., thence to lat. 27°33'00" N., long. 82°44'00" W.; thence to lat. 27°30'00" N., long. 82°50'00" W.; thence to lat. 27°34'30" N., long. 82°50'30" W.; thence to the point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area during its use for gunnery and bombing practice, except as provided in paragraph (b) (5).

(2) Since gunnery and bombing practice will take place in the area at frequent and irregular intervals throughout the year, regardless of season, advance notice will be given of the date on which the first of such activities will begin. At intervals of not more than three months thereafter, notice will be sent out that gunnery and bombing practice is continuing. Such notices will appear in the local newspapers and in the "Notice to Mariners".

(3) Prior to the conducting of each gunnery and bombing practice the area will be patrolled by Army aircraft to insure that no watercraft are within the area, and any such watercraft seen in the vicinity will be warned that practice is to take place by the "zooming" of Army aircraft at a safe distance to one side.

(4) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of the practice.

(5) These regulations shall not deny traverse of portions of the danger area by regular cargo-carrying vessels proceeding on established steamer lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery and bombing operations shall cause the cessation or postponement of such operations until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(6) These regulations shall be enforced by the Captain of the Port and by the Commanding General, Third Air Force, Tampa, Florida, and their authorized representatives.

§ 6.7-27 *Tampa Bay, Fla., vicinity of Mullet Key: Aerial gunnery and bombing area, Third Air Force, U. S. Army.*—(a) *The danger zone.* The areas which constitute the danger zone are described as follows:

Mullet Key Area. Beginning at latitude 27°39'18" N., longitude 82°41'56" W.; thence to latitude 27°37'37" N., longitude 82°41'25" W.; thence to latitude 27°37'19" N., longitude 82°42'15" W.; thence to latitude 27°36'52" N., longitude 82°43'20" W.; thence to latitude 27°36'32" N., longitude 82°44'26" W.; thence to latitude 27°38'57" N., longitude 82°44'33" W.; and thence to the point of beginning.

Mullet Key Channel Area. Beginning at latitude 27°37'19" N., longitude 82°42'15" W.; thence to latitude 27°34'13" N., longitude 82°40'04" W.; thence to latitude 27°33'25" N., longitude 82°41'12" W.; thence to latitude 27°36'52" N., longitude 82°43'20" W.; and thence to the point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the Mullet Key Area at any time.

(2) No vessel or other craft shall enter or remain in the Mullet Key Channel Area during its use for aerial gunnery and bombing practice, except as provided in paragraph (b) (6).

(3) Advance notice will be given of bombing and gunnery operations. Such notices will appear in the local newspapers and in the "Notice to Mariners."

(4) Prior to the conducting of aerial gunnery and bombing practice the areas will be patrolled by Army aircraft to insure that no watercraft are within the area, and any such watercraft will be warned that practice is to take place by the "zooming" of Army aircraft at a safe distance to one side of such craft.

(5) Any such watercraft, shall upon being so warned, immediately vacate the area and shall remain outside the area until the conclusion of the practice operations.

(6) These regulations shall not deny traverse of portions of the Mullet Key Channel Area by commercial and fishing vessels proceeding on established lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery and bombing operations shall cause the cessation or postponement of such operations until the vessel has cleared the danger area. The vessel shall proceed on its normal course and shall not delay its progress.

(7) These regulations shall be enforced by the Captain of the Port and by the Commanding General, Headquarters Third Air Force, Tampa, Florida, and their authorized representatives.

Amend § 6.8-25 by adding subparagraph (4) to paragraph (a) and by amending subparagraphs (1) and (3) of paragraph (b) as follows:

§ 6.8-25 *Waters of Lake Borgne, La., north of Shell Beach, La.: Anti-aircraft*

gunnery range, Eighth Naval District.—
(a) *The danger zones.* * * *

(4) That portion of Lake Borgne and other waterways inclosed by an arc described with Shell Beach, Louisiana (latitude and longitude as above), as a center and radius of 23,000 yards between a line bearing 28° true and a line bearing 53° true.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the areas when firing is in progress except as provided in paragraph (b) (4) unless permitted to do so by the Commandant, Eighth Naval District, or his authorized representative.

(3) When firing is in progress, a red flag will be displayed from a mast or staff on the shore at Shell Beach and in Lake Borgne at Proctor Point, at the mouth of Bayou St. Malo, and at point Aux Marchettes. Whenever weather permits, a picket boat will patrol the outer edge of the Danger Zones to warn vessels to keep clear. During night firing a searchlight will be in operation near the pivot point of the sectors at Shell Beach, and the beam of this light will be a warning that firing is in progress.

§ 6.9-27 *Waters of Lake Michigan; aircraft target range for aerial machine gun practice in vicinity of Grand Traverse Bay, Mich.*—(a) *The danger zone.*

(1) The waters of Lake Michigan in the vicinity of Grand Traverse Bay within the following boundaries: Commencing at the Flashing White Lighted Buoy (R2), marking the southerly limit of South Fox Island Shoals, about 9 miles south of South Fox Island Light; thence due east about 19 miles, passing about 2.5 miles north of Grand Traverse Light on Lighthouse Point, to the sailing course from Grand Traverse Bay to the vicinity of Ile Aux Galets Light, about 2.5 miles from shore; thence N. by E. 5/8 E. (18 degrees) along said sailing course about 5 miles to a line drawn between the Flashing White Lighted Bell Buoy (B1A), marking the northerly extremity of shoal water at South Point, and the Red Spar Buoy (RS4), marking the north side of deep passageway through South Fox Island Shoals, about 4.5 miles S. 3/4 W. (188 degrees) from South Fox Island Light; thence westerly along said line to said Red Spar Buoy (RS4); and thence in a southerly direction about 5 miles to Flashing White Lighted Buoy (R2), the point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area at any time except as provided in paragraph (b) (2).

(2) Vessels having a length of 100 feet or more, proceeding in established lanes, may pass through the area at any time. In case of the presence of any such vessel in the danger area, the officer in charge of firing practice shall cause the cessation or postponement of such operations until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress. Commercial fishing vessels may be allowed passage through the area by the Commanding Officer, Naval Air

Station, Traverse City, Michigan, when training operations permit.

(3) Prior to the conduct of firing practice the area will be patrolled by Navy aircraft to insure that no vessel or other craft having a length of less than 100 feet is within the danger area, and any such vessel in the vicinity will be warned by means of signals that firing practice is to take place. The patrol aircraft will employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(4) Any such vessel, upon being so warned, shall clear the danger area immediately.

(5) These regulations shall be enforced by the Captain of the Port and by the Commanding Officer, Naval Air Station, Traverse City, Michigan, and their authorized representatives.

Amend § 6.9-55 (b) (7) (ii) to read as follows:

(ii) *Decatur, Alabama; lower area:* An area along the left bank of the Tennessee River from the water's edge riverward a distance of 200 feet and extending from mile 303.5 to mile 304.0.

Upper area: An area extending from bank to bank 1000 feet above and below the Southern Railway bridge at mile 304.4. Tennessee River.

Amend § 6.9-56 (b) (3) to read as follows:

(3) *St. Clair & Detroit Rivers.* (i) No vessel of 500 gross tons or over shall pass or attempt to pass another vessel of 500 gross tons or over moving in the same direction in the following sections of the improved channels connecting Lake Huron and Lake Erie:

Downbound. From Buoy 1 above Fort Gratiot Light to Fort Huron Traffic Buoy. From Walpole Island Upper Light to St. Clair Flats Range Front Light. From Windmill Point Light to Belle Isle Light. From Fighting Island South Light to Junction Bar Point Lighted Bell Buoy.

Upbound. From Junction Bar Point Lighted Bell Buoy to Fighting Island South Light. From Belle Isle Light to Windmill Point Light. From St. Clair Flats Range Front Light to Harsen's Island Range Front Light. From St. Clair Middle Ground Lower Lighted Buoy to Stag Island Upper Light. From Port Huron Traffic Buoy to Buoy 1 above Fort Gratiot Light. *Provided:* That a vessel at normal speed overtaking a tug towing a dredge or a scow bound in the same direction as the overtaking vessel may pass such tow, after the prescribed exchange of signals. Under such circumstances the tug shall not increase speed during the passing, and shall haul with its tow the proper side of the channel to allow passing room.

(ii) No vessel of 500 gross tons or over shall pass or attempt to pass another vessel of 500 gross tons or over moving in the same direction when such a passing would bring more than two such vessels abreast in the sections in the St. Clair River referred to in (iv) below.

(iii) No vessel shall maneuver so as to affect adversely the movement of another vessel when approaching any of the sec-

tions in the St. Clair River referred to in (iv) below, nor attempt to obstruct traffic, nor unnecessarily retard a following vessel, nor increase speed after having signalled permission to an overtaking vessel to pass.

(iv) *Downbound.* West channel, from Stag Island Upper Light to St. Clair Middle Ground Lower Lighted Buoy. From St. Clair Flats Range Front Light to Head Lake St. Clair, Buoy No. 33.

Upbound. From Head Lake St. Clair, Buoy No. 33 to St. Clair Flats Range Front Light. From Harsen's Island Range Front Light to Walpole Island Upper Light.

§ 6.9-60 *Buffalo, New York; inflammables and explosives anchorage.*—(a) *The areas.*—(1) *Anchorage Area A.* Inside south section of the main breakwater 700 feet wide starting at a point 500 feet southerly from the south end of the north section and extending 153°

(south southeast 3/8 east) 3000 feet parallel to the line of the south section of the main breakwater.

(2) *Anchorage Area B.* Within the area bounded by a line extending from the South Buffalo Pier Head Light 180° (S) true, for 2000 feet, thence 270° (W) true, 2000 feet, thence 0° (N) true, 2000 feet, then 90° (E) true, 2000 feet.

(b) *The regulations.* (1) Anchorages A and B may be used day or night.

(2) Anchorage B is intended primarily for explosives loading but when no such loading is being carried on there-in, may be used for the transfer of inflammables.

§ 6.9-61 *Waters of Lake Ontario, Rochester Harbor, N. Y., Army test firing area.*—(a) *The danger zone.* (1) A sector of a circle, with a radius of 7 miles, centered in lat. 43°22'15" N., longitude 77°58'00" W., between the bearings of 303° and 57°.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated during its use for target practice.

(2) The fact that target practice will take place will be indicated by displaying of a red flag from the flagpole on shore and an observer will be stationed on shore to detect and give warning of shipping and aircraft in the vicinity.

(3) These regulations will be enforced by the Captain of the Port and by proper U. S. Army authorities.

§ 6.9-62 *Waters of Lake Ontario, U. S. Army Anti-Aircraft Firing Range at Fort Ontario.*—(a) *The danger zone.* (1) Beginning at a point in latitude 43°28'02" N., longitude 76°30'35" W., the limit of the area extends 1,500 feet 0°; thence in an arc to a point 1,500 feet 40° from point of beginning; thence to point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated during its use for target practice.

(2) The fact that target practice will take place will be indicated by the displaying of large red streamers on shore when firing is in progress.

(3) The regulations shall be enforced by the Captain of the Port and by the

proper U. S. Army authorities in cooperation with the Coast Guard.

§ 6.9-63 *Waters of Lake St. Clair, U. S. Army Rifle Range Selfridge Field, Michigan.*—(a) *The danger zone.* (1) An area approximately 1,500 yards in width and extending about 4,000 yards into Lake St. Clair at Selfridge Field, Michigan.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain within the area designated during its use for target practice.

(2) The fact that target practice will take place will be indicated by the displaying of a red flag from the flagpole at the rifle range when firing is in progress.

(3) The area will be marked by buoys.

(4) The regulations shall be enforced by the Captain of the Port and by proper U. S. Army authorities in cooperation with the U. S. Coast Guard.

§ 6.9-64 *Waters of Lake Ontario, U. S. Army aerial gunnery range.*—(a) *The danger zone.* (1) Beginning at a point latitude 43°21'45" and longitude 78°44'50" approximately 2 miles azimuth 312 degrees 30 minutes (NW ¼ N) from the Olcott Light, said point being the south-easterly corner of the firing area; thence 4,000 feet azimuth 75 degrees (N by W ¾ W); thence 11,000 feet azimuth 255 degrees (WSW ¾ W); thence 4,000 feet azimuth 165 degrees (S by E ¾ E); then 11,000 feet azimuth 75 degrees (ENE ¾ E), to the point of beginning, all azimuths given being true.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the area designated during its use for target practice.

(2) The fact that target practice will take place will be indicated by the displaying of a red flag.

(3) Firing will be conducted only during daylight hours.

(4) The area will be marked at the corners and along the boundaries by white barrel buoys located approximately 2,000 feet apart.

(5) These regulations shall be enforced by the Captain of the Port and by the proper U. S. Army authorities.

RALPH A. BARD,
Acting Secretary of the Navy.

Approved: January 26, 1944.

FRANKLIN D. ROOSEVELT,
The White House.

[F. R. Doc. 44-1418; Filed, January 28, 1944;
11:19 a. m.]

PART 10—AIR RAID AND BLACKOUT REGULATIONS FOR VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES

GENERAL RULES FOR ALL VESSELS

Pursuant to Executive Order No. 9074 (7 F.R. 1587) and in accordance with Public Law 127, 78th Congress, approved July 9, 1943 the Air Raid and Blackout Regulations for Vessels, Harbors, Ports, and Waterfront Facilities (8 F.R. 12139) are amended as follows:

§ 10.7 *General Rules for all vessels.* * * *

Rule 2. All vessels shall immediately black-out ship, except for navigation lights if under way and anchor lights if anchored. Anchor lights shall be shielded in such manner as to cut off the light at an angle not to exceed 15° above the horizontal. Navigation lights shall be dimmed so as to reduce visibility during air raids and blackouts to the minimum commensurate with safe operation, but not less than one mile.

Dated: January 26, 1944.

R. R. WAESCHE,
Commandant.

Approved:

RALPH A. BARD,
Acting Secretary of the Navy.

[F. R. Doc. 44-1399; Filed, January 27, 1944;
1:57 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4430, 4433, 4488, 4491, as amended, 49 Stat. 1028, 54 Stat. 163-166 (46 U.S.C. 375, 391a, 404, 408, 411, 481, 489, 367, 526-526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation Regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

Section 33.9-2 (e) is deleted and the following substituted instead:

§ 33.9-2 *Line-carrying gun equipment for mounted gun—T/OC* * * *

(e) *Primers.* Primers used with the breech-loading gun shall be of the percussion type. Primers used with the muzzle-loading gun shall be of the friction or percussion type. All muzzle-loading guns constructed on and after April 1, 1944, shall be provided with approved mechanical firing attachment. At least 25 primers shall be carried at all times.

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

Section 37.10-1 is deleted and the following substituted instead:

§ 37.10-1 *Muzzle-loading gun—T/OC.* The muzzle-loading type gun shall not weigh over 200 pounds. The gun shall be provided with means allowing easy mounting and dismounting the barrel from the carriage. A mechanical firing attachment of an approved type shall be provided on all guns manufactured on and after April 1, 1944.

The barrel shall be of steel or bronze not less than 20 inches long and have a 2½-inch smooth bore. It may be cast, forged, or otherwise acceptably formed. The use of core supporting pins extending into the wall of the gun during casting is not permitted. The barrel shall

be mounted on a carriage by means of trunnions or other suitable means.

The carriage may be of wood or of steel. If of wood, the recesses which receive the trunnion pins or other barrel supporting means shall be metal lined. The carriage shall be provided with means for securing the gun against movement during firing.

NOTE: Approved muzzle-loading guns manufactured prior to April 1, 1944, and fitted with friction primer firing devices, may be continued in use if in serviceable condition, but all replacement units shall be fitted with approved mechanical firing attachments.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.61 (b) is deleted and the following substituted instead:

§ 59.61 *Line-throwing appliances.* * * *

(b) *Muzzle-loading guns.* (1) The muzzle-loading type gun shall not weigh over 200 pounds. The gun shall be provided with means allowing easy mounting and dismounting the barrel from the carriage. A mechanical firing attachment of an approved type shall be provided on all guns manufactured on and after April 1, 1944.

(2) The barrel shall be of steel or bronze not less than 20 inches long and have a 2½-inch smooth bore. It may be cast, forged, or otherwise acceptably formed. The use of core supporting pins extending into the wall of the gun during casting is not permitted. The barrel shall be mounted on a carriage by means of trunnions or other suitable means.

(3) The carriage may be of wood or of steel. If of wood, the recesses which receive the trunnion pins or other barrel supporting means shall be metal lined. The carriage shall be provided with means for securing the gun against movement during firing.

NOTE: Approved muzzle-loading guns manufactured prior to April 1, 1944, and fitted with friction primer firing devices, may be continued in use if in serviceable condition, but all replacement units shall be fitted with approved mechanical firing attachments.

Section 59.61 (e) (5) is deleted and the following substituted instead:

§ 59.61 *Line-throwing appliances.* * * *

(e) *Line-carrying gun equipment.* * * *

(5) *Primers.* Primers used with the breech-loading gun shall be of the percussion type. Primers used with the muzzle-loading gun shall be of the friction or percussion type. All muzzle-loading guns constructed on and after April 1, 1944, shall be provided with an approved mechanical firing attachment. At least 25 primers shall be carried at all times.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.54 (b) and (e) (5) are hereby deleted and the following substituted instead:

§ 60.54 *Line-throwing appliances.* (See § 59.61 of this chapter which is identical with this section.)

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENCY

Part 155 is amended by changing certain terms and phrases as follows:

(a) In §§ 155.5 (b) and 155.9 (b), "Coast Guard" to "War Shipping Administration".

(b) In §§ 155.5 (b) (4) and 155.9 (b) (4), "district merchant marine cadet training instructor" to "district merchant marine training instructor".

(c) In §§ 155.11 (a), 155.20 (a), and 155.34 (a), "Merchant Marine Inspector in Charge" to "Officer in Charge, Marine Inspection".

(d) In § 155.12 (a), "board of local inspectors" (Merchant Marine Inspector in Charge) to "Officer in Charge, Marine Inspection".

(e) In footnote 2 for §§ 155.2, 155.3, 155.4, and 155.5 and footnote 4 for §§ 155.6, 155.7, 155.8, 155.9, 155.28, 155.29, 155.30, and 155.31, "Board of U. S. Local Inspectors" (Merchant Marine Inspector in Charge) to "Officer in Charge, Marine Inspection".

(f) In footnote 3 for §§ 155.6, 155.7, 155.8 and 155.9, and footnote 10 for §§ 155.28, 155.29, 155.30, and 155.31, "local inspectors" (Merchant Marine Inspector in Charge) to "Officer in Charge, Marine Inspection".

(g) In footnote 2 for §§ 155.2, 155.3, 155.4, and 155.5 and footnote 4 for §§ 155.6, 155.7, 155.8, 155.9, 155.28, 155.29, 155.30, and 155.31, "U. S. Supervising Inspector" (Supervising Merchant Marine Inspector) to "District Coast Guard Officer".

NOTE: These changes are editorial so that the Code of Federal Regulations will be the same as regulations published by the Coast Guard.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

BOILER

Water tube boiler, two drum (Marine) bent tube type (Dwg. No. P. S. 3488, dated 12 October, 1943), manufactured by Union Iron Works, Erie, Pa.

DAVIT

Landley sheath screw davit, size 3A-S-6-6 (General Assembly Dwg. No. 425-D, dated 25 October, 1943) (Maximum working load of 12,200 pounds per set), manufactured by The Landley Company, Inc., 15 Park Row, New York, N. Y.

JACKKNIVES

Jackknife, type No. 796, submitted by the Utica Cutlery Company, 820 Noyes Street, Utica, N. Y.

Jackknife, type No. 850, submitted by the Imperial Knife Company, 14 Blount Street, Providence, R. I.

RING LIFE BUOY FOR INSPECTED VESSELS

30-inch, 13 segments, cork ring life buoy (Dwg. No. 421, dated 24 September, 1943), manufactured by Kent Marine Products

Corp., 428 Great East Neck Road, West Babylon, N. Y. (Approval No. B-209).

LIFE PRESERVER

Style 2F adult kapok life preserver (Dwg. No. C-60-A, dated 7 January, 1944, and specification revised 22 May, 1943) (Approval No. B-199), manufactured by the American Pad & Textile Co., Greenfield, Ohio. (This supersedes approval of adult kapok life preserver No. 2-F, Approval No. B-199, published October 7, 1943, 8 F.R. 13752.)

SEA ANCHOR

Sea anchor, type "LR" (U. S. Coast Guard Dwg. No. MMI-562 and specification, dated 1 November, 1943), submitted by Winner Manufacturing Co., Inc., Trenton, N. J.

WHISTLE

Whistle (Coast Guard specification dated 10 November, 1943) submitted by the Field Manufacturing Company, 303 Fifth Avenue, New York, N. Y.

R. R. WAESCHE,
Commandant.

JANUARY 26, 1944.

[F. R. Doc. 44-1400; Filed, January 27, 1944; 1:57 p. m.]

Chapter III—War Shipping Administration¹

[G. O. 34]

PART 306—GENERAL AGENTS AND AGENTS

COMPENSATION PAYABLE TO GENERAL AGENTS, AGENTS, AND BERTH AGENTS

SUBPART I—DRY CARGO VESSELS

- Sec. 306.71 Vessels included.
306.72 Compensation of Agents and General Agents.
306.73 Compensation for port services in the continental United States.
306.74 Compensation for services incident to way cargo.
306.75 Compensation of sub-agents at ports outside of the continental United States.

SUBPART II—TANKERS

- 306.76 Vessels included.
306.77 Compensation of Agents and General Agents.
306.78 Compensation for port services of sub-agents in the continental United States.
306.79 Compensation of sub-agents at ports outside of the continental United States.

SUBPART III—PASSENGER VESSELS

- 306.80 Vessels included.
306.81 Compensation of General Agents.
306.82 Compensation for port services in the continental United States.
306.83 Compensation of sub-agents at ports outside of the continental United States.

SUBPART IV—COLLIERS

- 306.84 Vessels included.
306.85 Compensation of Agents and General Agents.
306.86 Compensation for port services of sub-agents.

SUBPART V—TUGS AND BARGES

- 306.87 Vessels included.
306.88 Compensation of General Agents.

¹ This is a corrected reprint of General Order No. 34 which appeared in the issue of January 4, 1944, 9 F.R. 110.

- Sec. 306.89 Compensation for port services in the continental United States.
306.90 Compensation of sub-agents at ports outside of the continental United States.

SUBPART VI—GENERAL PROVISIONS

- 306.91 Definitions.
306.92 Freight brokerage.
306.93 Commissions on fares.
306.94 Communication expenses.
306.95 Payments on account of recapture.
306.96 Recapture to eliminate excessive profits.
306.97 Renegotiation.
306.98 Increases and reductions of compensation under certain circumstances.
306.99 Accounting.
306.100 Effective date.

AUTHORITY: §§ 306.71 through 306.100, inclusive, issued under E.O. 9054, 7 F.R. 837.

SUBPART I—DRY CARGO VESSELS

§ 306.71 *Vessels included.* This Subpart I of General Order 34 (§§ 306.71 through 306.75) is applicable to services rendered in connection with the operation of dry cargo vessels, as defined in § 306.91 (e), under the standard form of service agreements GAA, TCA, and BA.

§ 306.72 *Compensation of Agents and General Agents.* (a) Each General Agent shall be paid for husbanding the vessel and for services related thereto at the rate of \$65.00 per day per vessel.

(b) Each Agent and General Agent shall be paid at the rate of \$15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like. Each Agent and General Agent shall also be entitled to the compensation provided in § 306.73 when performing any of the services therein described.

(c) Except as provided in § 306.75 (or except as provided in § 306.98 where applicable), each Agent, General Agent, and Berth Agent shall compensate all sub-agents performing services which are required to be performed by him under the service agreements from the compensation received by the Agent, General Agent, or Berth Agent under the provisions of this section or § 306.73.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

§ 306.73 *Compensation for port services in the continental United States.* Except as otherwise provided, the Agent, General Agent, or Berth Agent who performs services in continental United States ports in connection with the activities set forth below shall be compensated at the rates set forth below, out of which the Agent, General Agent, or Berth Agent, as the case may be, shall pay his sub-agents:

(a) *Army or Navy cargo.* (1) 15¢ per manifest ton outward and 12½¢ per manifest ton inward, if the agent is required to prepare bills of lading, or other cargo documents, tally the cargo, or per-

form other cargo services; bulk cargo, 5¢ per manifest ton outward or inward.

(2) If the cargo is handled by the Army or Navy, and the agent is not required to perform the cargo services referred to in subparagraph (1) above, \$200.00 where the vessel handles Army or Navy cargo exclusively, and \$100.00 where the Army or Navy cargo is not the only cargo loaded or discharged. This lump sum fee shall be paid whether or not the vessel is loaded or discharged at a commercial terminal or at an Army or Navy terminal.

(b) *Lend-Lease cargo.* 5¢ per manifest ton for outward or inward bulk Lend-Lease cargo; all other Lend-Lease cargo, 15¢ per manifest ton outward, and 12½¢ per manifest ton inward.

(c) *Other cargoes.*—(1) *General cargo.* All general cargo outward, 30¢ per manifest ton; 25¢ per manifest ton inward.

(2) *Bulk cargo.* 5¢ per manifest ton for all outward or inward bulk cargo, in excess of 1000 tons, 10¢ per manifest ton for all other outward or inward bulk cargo; except coastwise cargoes of coal, sulphur, and other bulk commodities carried by vessels temporarily employed in the coastwise trade, in which case the compensation shall be 3½¢ per manifest ton for coal, and 5¢ per manifest ton for sulphur and other bulk commodities, loaded and discharged (one fee for both operations).

(3) *Ad valorem cargo and mail.* On ad valorem cargo except specie, 2½% of the vessel's revenue outward, and 1½% of the vessel's revenue inward. (Specie shall be handled at rates to be determined by the Administrator.) 5¢ per bag for mails transported, including Army or Navy mail.

(d) *Passengers.* (The terms "passenger" and "military personnel" are defined in § 306.91 (g) and (h).)

(1) *Commercial passengers.* \$3.00 for each passenger carried outward, and \$2.00 for each passenger carried inward.

(2) *Military personnel.*—(i) *Agents, General Agents, or Berth Agents.* For additional expenses connected with the operation of the vessels as well as for ticketing and other miscellaneous services, each Agent, General Agent or Berth Agent shall be paid (for services performed by him):

\$1.50 for each military passenger carried outward, maximum \$300.00; \$1.00 for each military passenger carried inward, maximum \$200.00.

(ii) *General Agents.* For extra husbanding duties and other miscellaneous services, each General Agent shall be paid (for services rendered by him):

For military passengers carried outward:

\$1.00 per passenger up to 300;
\$0.75 per passenger from 301 to 600;
\$0.50 per passenger, 601 and over; maximum \$750.00.

For military passengers carried inward:

\$1.00 per passenger, maximum \$300.00.

(e) *Miscellaneous.* (1) Minimum compensation for each port of call, if cargo is loaded or discharged, \$100.00, except where the cargo loaded or discharged is

less than 25 tons, in which case the minimum fee shall be \$50.00.

(2) Compensation for services rendered whenever a vessel enters a port for purposes other than loading or discharging cargo shall be \$50.00 for all services in connection with entrance and clearance, arranging for pilotage and towage, or other port services of like nature. If one agent handles the vessel inward and another handles the vessel outward, this compensation of \$50.00 shall be divided equally between the two agents.

(3) If a vessel loads cargo at a port outside of the continental United States and is lost prior to arrival at the port of destination of the cargo, the Agent, General Agent, or Berth Agent that is responsible for the cargo business shall be paid one fee of 50% of the inward rates provided in this § 306.73.

§ 306.74 *Compensation for services incident to way cargo.* (a) On way cargo loaded outward from Canadian or Newfoundland ports the Agent, General Agent, or Berth Agent, that is responsible for the cargo business shall be compensated as provided in § 306.73, out of which the agent will pay his Canadian or Newfoundland sub-agent.

(b) Except as provided in paragraph (a) of this section, or as otherwise determined by the Administrator, the Agent, General Agent, or Berth Agent who is responsible for the cargo business incident to way cargo shall be paid one fee of 25% of the outward rates provided in § 306.73 for supervisory services rendered, with a minimum fee of \$50.00.

§ 306.75 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for all ordinary services in connection with the business of the vessel and her cargo rendered by sub-agents or branch houses outside of the continental United States, the Agent, General Agent, or Berth Agent may pay for the account of the United States the prevailing commercial rates, but in no event in excess of the following, except as provided in § 306.74 (a):

(a) *Army or Navy cargo.* (1) 15¢ per manifest ton outward and 12½¢ per manifest ton inward, if the agent is required to prepare bills of lading or other cargo documents, tally the cargo, or perform other cargo services; bulk cargo 2½¢ per manifest ton outward or inward.

(2) If the cargo is handled by the Army or Navy, and the agent is not required to perform the cargo services referred to in paragraph (a) (1) of this section, \$200.00 where the vessel handles Army or Navy cargo exclusively, and \$100.00 where the Army or Navy cargo is not the only cargo loaded or discharged. This lump sum fee shall be paid whether or not the vessel is loaded or discharged at a commercial terminal or at an Army or Navy terminal.

(b) *Lend-Lease cargo.* 2½¢ per manifest ton for outward or inward bulk Lend-Lease cargo; all other Lend-Lease cargo, 10¢ per manifest ton outward or inward.

(c) *Other cargoes.*—(1) *General cargo.* All general cargo outward, 25¢ per manifest ton; 20¢ per manifest ton inward.

(2) *Bulk cargo.* 2½¢ per manifest ton for all outward or inward bulk cargoes.

(3) *Ad valorem cargo and mail.* On ad valorem cargo except specie, 2½% of the vessel's revenue outward, and 1½% of the vessel's revenue inward. (Specie shall be handled at rates to be determined by the Administrator.) 5¢ per bag for mails transported, including Army or Navy mail.

(d) *Passengers.* Commercial passengers and military personnel, \$2.00 for each person embarked, maximum \$500.00; \$1.00 for each person disembarked, maximum \$250.00. (The terms "passenger" and "military personnel" are defined in § 306.91 (g) and (h).)

(e) *Miscellaneous.* If the maximum compensation provided in this section for a port of call, where cargo is loaded or discharged, amounts to less than \$50.00, the sub-agent or branch house may be paid the commercial rate but not in excess of \$50.00. Vessel calling for orders, ballast, or fuel, \$50.00.

SUBPART II—TANKERS

§ 306.76 *Vessels included.* This Subpart II of General Order 34 (§§ 306.76 through 306.79) is applicable to services rendered in connection with operations of tank vessels under the standard forms of tanker service agreements (Warshipoil-TCA) and GAA (Tankers).

§ 306.77 *Compensation of Agents and General Agents.* (a) Each General Agent shall be compensated for his services for husbanding the vessel and for services related thereto at the rate of \$65.00 per day per vessel.

(b) Each Agent and General Agent shall be paid at the rate of \$15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like. Each Agent and General Agent shall also be entitled to the compensation provided in paragraph (e) of this section when performing any of the services therein described.

(c) Except as provided in §§ 306.78 and 306.79, (or except as provided in § 306.98 where applicable), each Agent and General Agent shall compensate all sub-agents and branch houses performing services which are required to be performed by the Agent or General Agent under the service agreements from the compensation received by the Agent or General Agent under the provisions of this section.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

(e) Except as otherwise provided, the Agent or General Agent for tank vessels who performs services in connection with passengers, dry cargo, or mail carried on a tank vessel shall be compensated at the rates set forth in § 306.73 for comparable services performed by agents in connection with dry cargo vessels, except the compensation provided in § 306.73 (e)

(2) shall not apply. Out of such compensation the Agent or General Agent shall pay his sub-agents employed by him, except that the United States shall pay sub-agency fees to the extent required to be paid by the United States as provided in §§ 306.78 and 306.79.

§ 306.78 *Compensation for port services of sub-agents in the continental United States.* When it is necessary for an Agent or General Agent to employ a sub-agent or a branch house in the continental United States to perform port services for the United States, such sub-agent shall be paid for the account of the United States at the prevailing commercial rate, but in no event in excess of a lump sum of \$45.00 for the first three days the vessel remains in port, and thereafter at the rate of \$10.00 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs.

§ 306.79 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for services rendered for the United States by a foreign sub-agent or branch house at ports outside of the continental United States, the foreign sub-agent or branch house shall be paid for the account of the United States the prevailing commercial rate, but in no event in excess of a lump sum of \$45.00 for the first three days the vessel remains in port, and thereafter at the rate of \$10.00 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs. As compensation for services rendered by sub-agents or branch houses outside of the continental United States in connection with passengers, dry cargo or mail carried on tank vessels, the Agent or General Agent may pay for the account of the United States the prevailing commercial rates, but in no event in excess of the maximum rates set forth in § 306.75 for comparable services performed by sub-agents or branch houses in connection with dry cargo vessels.

SUBPART III—PASSENGER VESSELS

§ 306.80 *Vessels included.* This Subpart III of General Order 34 (§§ 306.80 through 306.83) is applicable to services rendered in connection with the operation of passenger vessels for the War Shipping Administration under the standard form of service agreement GAA, as modified by Part II for passenger vessels.

§ 306.81 *Compensation of General Agents.* (a) Each General Agent shall be paid for husbanding the vessel, acting as accounting line, and for services related thereto, at special rates to be hereafter determined by the Administrator.

(b) Except as provided in § 306.83 (or except as provided in § 306.98 where applicable), each General Agent shall compensate all sub-agents performing services which are required to be performed by him under his service agreement from the compensation received by the General Agent for husbanding the vessel or under the provisions of § 306.82.

(c) In determining the compensation provided in this section, part days shall be counted as whole days.

§ 306.82 *Compensation for port services in the continental United States.* Except as otherwise provided, the General Agent or Berth Agent who performs services for passenger vessels in continental United States ports in connection with the activities set forth in § 306.73 shall be compensated at the rates provided in said section, except that the rates provided in § 306.73 (d) (2) (ii) shall not apply.

§ 306.83 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for services rendered by sub-agents or branch houses outside of the continental United States, the General Agent or Berth Agent may pay, for the account of the United States, with respect to cargo handled or for other services performed at rates provided in § 306.75.

SUBPART IV—COLLIERS

§ 306.84 *Vessels included.* (a) This Subpart IV of General Order 34 (§§ 306.84 through 306.86) is applicable to services rendered in connection with the operation of vessels regularly employed in the coastwise transportation of coal under the standard form of service agreements GAA and TCA.

(b) The provisions of this Subpart IV and the compensation herein provided shall apply only while the vessel is engaged in the coastwise transportation of coal including ballast or loaded legs of voyages. When the vessel is engaged in other trades, unless otherwise provided by the Administrator, the compensation shall be as provided in Subpart I of this order.

§ 306.85 *Compensation of Agents and General Agents.* (a) Each General Agent shall be compensated for his services for husbanding the vessel and for services related thereto at the rate of \$65.00 per day per vessel.

(b) Each Agent and General Agent shall be paid at the rate of \$15.00 per day per vessel for acting as accounting line, for performing duties for which no compensation is specifically provided for in this order, and to enable him to absorb items of expense that are not included in the voyage accounts, such as certain communication expenses, bond premiums, and the like.

(c) Except as provided in § 306.86 (or except as provided in § 306.98 where applicable), each Agent and General Agent shall compensate all sub-agents and branch houses performing services which are required to be performed by the Agent or General Agent under the service agreements from the compensation received by the Agent or General Agent under the provisions of this section.

(d) In determining the compensation provided in this section, part days shall be counted as whole days.

§ 306.86 *Compensation for port services of sub-agents.* When it is necessary for an Agent or General Agent to employ a sub-agent or a branch house to per-

form port services for the United States, such sub-agent shall be paid for the account of the United States at the prevailing commercial rate, but in no event in excess of a lump sum of \$45.00 for the first three days the vessel remains in port, and thereafter at the rate of \$10.00 per day for each additional day; provided, no fee shall be paid for the time during which the vessel is laid up for repairs.

SUBPART V—TUGS AND BARGES

§ 306.87 *Vessels included.* This Subpart V of General Order 34 (§§ 306.87 through 306.90) is applicable to services rendered in connection with the tugs and barges allocated to General Agents under the standard form of service agreements GAA (Barge Service) and GAA (Salvage).

§ 306.88 *Compensation of General Agents.* (a) Each General Agent shall be paid for husbanding tugs, or tugs and barges, acting as accounting line, and for related services, at the following rates:

(1) *Barge service.* Tugs and barges engaged in coastwise barge service, including the New England coal trade, Cuban-Florida sugar service, and Trans-Gulf barge service:

(i) *Tugs.*

First tug, \$700.00 per month;
Each additional tug, \$350.00 per month.

(ii) *Barges.*

First barge, \$350.00 per month;
Each of next 4 barges, \$250.00 per month;
Each of next 5 barges, \$150.00 per month;
Each barge in excess of 10 barges, \$100.00 per month.

(2) *Harbor service.* Tugs engaged in harbor service in the continental United States:

First tug, \$500.00 per month;
Each additional tug, \$350.00 per month.

(3) *Sea towage.* V-4 type tugs engaged in seagoing towage:

First tug, \$1200.00 per month.
Each of net five tugs, \$1000.00 per month;
Each of next five tugs, \$850.00 per month;
Each tug in excess of 15 tugs, rate to be determined by the Administrator.

(4) *Special service tugs.*

First tug, \$600.00 per month;
Each additional tug, \$350.00 per month.

(5) *Navy rescue service.* Tugs engaged in the Navy rescue service:

First tug, \$600.00 per month;
Each additional tug, \$350.00 per month.

(b) Except as provided in § 306.90 (or except as provided in § 306.98 where applicable), each General Agent shall compensate all sub-agents performing services which are required to be performed by him under his service agreement from the compensation received by the General Agent under the provisions of this section or § 306.89.

(c) The compensation provided in paragraph (a) of this section shall be calculated on the basis of a calendar month or pro rata for any portion thereof. Part days shall be counted as whole days.

§ 306.89 *Compensation for port services in the continental United States.* When the General Agent performs any of the following services in continental United States ports, he shall be compensated in accordance with the following scale, out of which he shall pay his sub-agents:

(a) *Army or Navy cargo.* If the full use of the barge is let to the Army or Navy on a lump sum basis, the General Agent shall receive 2½¢ per ton on the deadweight capacity of the barge; if the full use of the barge is not utilized by the Army or Navy, \$50.00 for the Army or Navy cargo.

(b) *Bulk cargo.* 5¢ per manifest ton for all outward or inward bulk cargo in excess of 1000 tons, 10¢ per manifest ton for all other outward or inward bulk cargo; except coastwise cargoes of coal, sulphur, and other bulk commodities, in which case the compensation shall be 3½¢ per manifest ton for coal, and 5¢ per manifest ton for sulphur and other bulk commodities, loaded and discharged (one fee for both operations).

(c) *General cargo.* All general cargo outward, 25¢ per manifest ton; 15¢ per manifest ton inward.

(d) *Miscellaneous.* (1) Where the compensation provided above for loading or discharging is less than \$50.00, the General Agent will be compensated in the amount of \$50.00.

(2) Compensation for services rendered whenever a tug or tug with tow enters a port for purposes other than loading or discharging cargo shall be \$50.00 for tugs of the V-4 type, and \$25.00 for all other tugs, for all services in connection with entrance and clearance, arranging for pilotage and towage, or other port services of like nature.

§ 306.90 *Compensation of sub-agents at ports outside of the continental United States.* As compensation for services in connection with the activities set forth below rendered by sub-agents outside of the continental United States, the General Agent may pay for the account of the United States the prevailing commercial rates, but in no event in excess of the following:

(a) *Tugs.* For handling entrance or clearance of War Shipping Administration tug with or without tow, maximum fee of \$25.00 for either service, entering or clearing.

(b) *Barges.* (1) For handling one or more War Shipping Administration barges arriving at Cuban ports in tow of a single tug, maximum fee of \$25.00 when empty and \$75.00 when loaded or partially loaded.

(2) For handling one or more War Shipping Administration barges with cargo out of Cuban ports in tow of a single tug, maximum fee of \$125.00.

SUBPART VI—GENERAL PROVISIONS

§ 306.91 *Definitions.*—(a) *General Agent.* A "General Agent" is a person, firm, or corporation designated as "General Agent" under a standard form of service agreement GAA.

(b) *Agent.* An "Agent" is a person, firm, or corporation designated as "Agent" under a standard form of service agreement TCA.

(c) *Berth Agent.* A "Berth Agent" is a person, firm, or corporation designated as "Berth Agent" under a standard form of service agreement BA, pursuant to General Order 21.

(d) *Sub-agent.* A "sub-agent" is a person, firm, or corporation who is appointed by an Agent, General Agent, or Berth Agent to perform any of the functions of the Agent, General Agent, or Berth Agent under the standard forms of service agreements.

(e) *Dry cargo vessel.* A "dry cargo vessel" is a vessel not included in Subparts II, III, IV and V hereof.

(f) *Passenger vessel.* A "passenger vessel" is a vessel which was constructed or materially reconditioned prior to December 7, 1941, to accommodate at least fifty passengers.

(g) *Passenger.* A "passenger" is a person carried on the vessel other than members of the gun crew, the Master, and licensed and unlicensed personnel of the vessel, and military personnel.

(h) *Military personnel.* "Military personnel" are members of the armed forces of the United States or its allies, prisoners of war, and enemy aliens or involuntary passengers traveling under supervision and direction of the United States Army or Navy, regardless of travel status.

(i) *Manifest tons.* Unless otherwise approved by the Administrator, "manifest tons" are the number of freight payable tons of cargo loaded or discharged by the vessel at each port as manifested on a weight or measurement basis in accordance with the practice of the trade in which the vessel is operated, with the following exceptions:

(1) A ton of cargo which is billed at a rate per cubic foot shall be computed as 40 cubic feet.

(2) A ton of cargo transported at a rate per 100 pounds shall be computed as 2240 pounds.

(3) A ton of cargo transported at a rate per package shall be computed as 40 cubic feet or 2240 pounds, whichever produces the greater tonnage.

(4) A ton of liquid cargo carried in deep tanks of dry cargo vessels shall be computed as 2240 pounds.

(5) Lumber and piling billed on the basis of board foot measure, 600 feet board measure shall constitute one manifest ton.

(6) Piling which is transported at a rate per lineal foot, 30 lineal feet shall be computed as one ton.

(j) *Outward cargo.* "Outward cargo" is cargo loaded outward from any port.

(k) *Inward cargo.* "Inward cargo" is cargo discharged at any port.

(l) *Coastwise cargo.* "Coastwise cargo" is cargo handled between two ports within the continental United States.

(m) *Bulk cargoes.* "Bulk cargoes" are cargoes not hand stowed (excluding liquid cargo carried in deep tanks of dry cargo vessels which shall be regarded as general cargo), such as bulk cargoes of grain, ores, coal and similar cargoes.

(n) *Ad valorem cargo.* "Ad valorem cargo" is cargo handled at a percentage rate based on the value of the goods.

(o) *Express.* Express shall be considered as cargo.

(p) *Continental United States.* "Continental United States" includes only the forty-eight states of the United States and the District of Columbia.

§ 306.92 *Freight brokerage.* Where payment of brokerage is customary under ordinary commercial practice, and where the bill for brokerage is certified as provided in paragraph (c) of this section, brokerage will be paid to qualified brokers who perform a service in connection with the booking, handling, etc., of cargo shipped on dry cargo, passenger, and collier vessels under the following terms and conditions:

(a) *Rates.* Brokerage will be paid at the customary rates, but not in excess of the rates provided in this paragraph (a). No brokerage will be paid on cargoes procured under Lend-Lease requisitions moving from continental United States ports, except as provided in General Order 38 (§§ 301.51 through 301.57):

(1) General commercial cargo outward, commonly known as package cargo: 1¼% of the base freight rates before all surcharges, war or otherwise;

(2) Sugar, metals, ores and bulk cargoes outward (including cargo owned by any department or agency of the Government for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in the nearby trades, which includes Caribbean and Canadian: 1¼% of the base freight charges before all surcharges, war or otherwise; *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of \$5.00 per manifest ton;

(3) Sugar, metals, ores, and bulk cargoes outward (including cargo owned by any department or agency of the Government for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in long voyage trades or in spheres outside of those covered by subparagraph (2) of this paragraph: 1¼% of the base freight before all surcharges, war or otherwise; *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of \$8.00 per manifest ton.

(4) Outward bulk cargoes coastwise covered by bills of lading, charter party, or contract of affreightment: 1¼% of the base freight before all surcharges, war or otherwise; *Provided, however,* That brokerage shall not be paid on that portion of freight charges in excess of 80¢ per manifest ton on coal and \$3.00 per manifest ton on phosphate rock, sulphur and other bulk cargoes except coal.

(b) *Qualified broker.* A "qualified broker" is one who conducts a bona fide brokerage business. No broker shall be qualified as to:

(1) Any cargo shipped by or to him or in his behalf, unless the shipping documents clearly identify him as an agent of a named principal;

(2) Any cargo in which he has a financial interest other than as authorized herein;

(3) Any cargo shipped by or to or on behalf of any person, firm, or corporation which bears an affiliate relationship to such broker either as subsidiary, parent,

or through any other means of actual or possible control, directly or indirectly;

(4) Any cargo carried on any vessel for which the agent or sub-agent of the War Shipping Administration is also the broker or bears an affiliate relationship to the broker, as defined in paragraph (b) (3) of this section.

(c) *Brokerage certificate.* Brokerage fees as provided in paragraph (a) of this section may be paid only where a brokerage bill is presented, certified as follows:

Certified and warranted that this bill is submitted for a service performed in the interest of this shipment described; that the undersigned has not been compensated for the service from any other source, and is a qualified broker within the meaning of General Order 34 of the War Shipping Administration; and that no portion of any amount paid hereunder shall revert directly or indirectly to any person having or having had a financial interest in this shipment. Further warranted and represented that the broker does not have an affiliate relationship, which includes but is not limited to relationship as a subsidiary or parent company, with either the shipper or the consignee; or with either the Agent, General Agent, or Berth Agent for the vessel. This warranty made in full knowledge that the United States, or its agents, will make payment thereon.

(d) *Payment.* The General Agent, Agent, or Berth Agent acting for the War Shipping Administration shall make payment against brokerage bills so certified if the payment of brokerage is consistent with customary commercial practice, and if such agent believes that a service was in fact performed, but in no event shall more than one brokerage be paid on any one cargo or shipment.

§ 306.93 *Commissions on fares.* General Agents and Agents are authorized to pay in all trades to bona fide travel or tourist agents a commission of 5% on fares paid by or for passengers traveling for private or commercial account. No commission shall be allowed on fares paid by or for repatriated seamen traveling as passengers.

§ 306.94 *Communication expenses.* (a) All cablegrams, telegrams, and radiograms that pertain directly and exclusively to the business of the United States, dispatched by Agents, General Agents, Berth Agents, and their branch houses and domestic and foreign sub-agents, between the continental United States and points outside of the continental United States, shall be for the account of the United States and the cost thereof shall be included in the voyage accounts. All telegrams, cablegrams, and radiograms that pertain directly and exclusively to the business of the United States, dispatched by foreign sub-agents and branch houses, shall be for the account of the United States and the cost thereof shall be included in the voyage accounts. Except as herein provided, communication expenses shall remain a part of the administrative and general expenses of the Agents, General Agents, and Berth Agents.

(b) To the extent that the cablegrams, telegrams, and radiograms referred to in paragraph (a) of this section are entitled to Government rate and are ex-

empt from the Federal tax on communications, all Agents, General Agents, Berth Agents, and their branch houses and sub-agents are authorized and directed to certify that such messages pertain exclusively to official Government business and are for the account of the United States, as may be required to entitle such messages to the Government rate and tax exemption.

(c) Postage or express charges incurred in sending ships' disbursements accounts, manifests and other cargo documents to or from the continental United States, or between foreign ports, may be included in the voyage accounts as reimbursable items of expense.

§ 306.95 *Payments on account of recapture.* Each Agent, General Agent, and Berth Agent who receives compensation under the provisions of Subpart I, II, III, and IV of this order shall submit interim quarterly recapture statements in accordance with the provisions of § 306.96 on or before May 1, August 1, and November 1, of each year, covering the period from January 1 to March 31, June 30, and September 30, respectively. With each such interim statement and with the final statement at the end of the year, the Agent, General Agent, or Berth Agent shall remit to the Administrator 90% of the amount indicated in such statements to be recapturable, or, if previous interim remittances have been made during the same calendar year, such amount as when added to such previous interim remittance will amount to 90% of the amount indicated to be recapturable. All interim statements shall be subject to adjustment in the final statement at the end of the year, in accordance with § 306.96, which final statement shall be rendered not later than March 31 of the following year. Such payments as are made in accordance with the provisions of this section are to be considered as payments on account of recapture, as provided under § 306.96.

§ 306.96 *Recapture to eliminate excessive profits.* (a) If the aggregate amount of the compensation accrued to an Agent, General Agent, or Berth Agent, except compensation paid to an Agent who is not also a General Agent, under Subparts I, II, III and IV of this order, after deducting therefrom fees paid to subagents for performing services which are required to be performed by the Agent, General Agent, or Berth Agent under the provisions of this order, exceeds the sum of:

(1) Such agents' fair and reasonable overhead expense as determined by the Administrator for the comparable period involved, after deducting from such expense (i) sums allowed such agents and their related companies (as defined in Article 13 of the service agreements) in the Administrator's calculation of the hire for vessels chartered to the Administration to cover overhead expenses, and (ii) in instances where such agents or related companies engage in other activities in addition to the conduct of the business of the vessels in connection with which the aforesaid compensation accrued, such proportion of the agents' overhead expenses, as, in the judgment

of the Administrator, is properly allocable to such additional activities; and

(2) \$15.00 per day per vessel for all dry cargo, tank, and collier vessels operated by a General Agent under General Agency service agreements; \$5.00 per day per vessel for all dry cargo, tank, and collier vessels operated by an Agent under Time Charter service agreements; and 5 cents per gross ton per month for passenger vessels operated by a General Agent under General Agency service agreement, as amended by Part II thereof, but not less than \$15.00 per day per passenger vessel; then 90% of such excess shall be recaptured by, and remitted to, the United States. The permissible allowances provided in paragraph (a) (2), are based exclusively on the services rendered as Agents and General Agents, no such allowance being permitted for services as Berth Agents.

(b) For the purpose of adjusting earnings under this section, that portion of any salary paid by an Agent, General Agent, or Berth Agent in excess of the maximum provided by section 805 (c) of the Merchant Marine Act of 1936 shall be excluded; and all other salaries deemed by the Administrator to be excessive or unreasonable shall be excluded to such extent as they are deemed to be excessive or unreasonable by the Administrator. All Agents, General Agents, and Berth Agents, shall file with the War Shipping Administration, lists of salaries as required from time to time.

(c) Pursuant to section 403 (i) (2) of the Sixth Supplemental National Defense Appropriation Act of 1942, as amended, the Administrator hereby determines that the profits accruing from the compensation payable to an Agent, General Agent, or Berth Agent, except compensation paid to an Agent who is not also a General Agent, under Subpart I, II, III, and IV of the order, and after recapture as provided in paragraph (a) of this section, are determinable with reasonable certainty, and the Administrator further determines that the recapture provisions of paragraph (a) of this section are adequate to prevent excessive profits, and that based on these determinations said compensation payable after recapture is exempted from renegotiation pursuant to section 403 of said act; *Provided, however,* That in any case where the executive officers of any Agent, General Agent, or Berth Agent have not discharged their duties or responsibilities in an efficient or economical manner as determined by the Administrator, the said compensation shall be subject to renegotiation as provided in section 403 of said act.

§ 306.97 *Renegotiation.* The compensation payable under Subpart V of this order, or under Subparts I, II, III and IV of this order to an agent who is not also a General Agent, or any other compensation payable under this order which is not subject to the provisions of § 306.96, and the service agreements pursuant to which any of said compensation is payable, are subject to the provisions of section 403 of the Sixth Supplemental National Defense Appropriation Act of 1942, as amended, and payment of said compen-

sation is subject to the following provisions: (a) The Administrator may renegotiate said compensation at a period when the profits can be determined with reasonable certainty, (b) any amount of said compensation which is deemed by the Administrator to represent excessive profits and an amount of said compensation equal to the amount of reduction in said compensation of any sub-contractor under said service agreement pursuant to renegotiation of said sub-contract as hereinafter provided will be re-paid to the Administrator or may be retained by the United States, and, (c) the Agent, General Agent, or Berth Agent, as the case may be, will insert in each sub-contract for an amount in excess of \$100,000.00 made by said agents under their respective service agreements: (1) A provision for renegotiation by the Administrator and the sub-contractor of the contract price of such sub-contract at a period when the profits can be determined with reasonable certainty, (2) a provision for the retention by the United States or the repayment to the United States of any amount of the sub-contract price which is deemed by the Administrator to represent excessive profits, and, (3) a provision for relieving said agents from any liabilities to the sub-contractor on account of any amounts so retained by or re-paid to the United States.

§ 306.98 Increases and reductions of compensation under certain circumstances. (a) If the rates provided in this general order, with respect to an Agent, General Agent, Berth Agent, or their foreign sub-agents and branch houses, or with respect to the Agents, General Agents, or Berth Agents as a class, are found by the Administrator not to represent fair and reasonable compensation for the services required to be performed by the agent under the service agreements, based on the fair and reasonable average cost of performing such services as determined by the Administrator on the basis of maximum reasonable efficiency and economy of operations, then the Administrator, in his discretion, may adjust such compensation in such amount as he shall determine to be fair and reasonable under the circumstances.

(b) In addition to the compensation elsewhere provided in this order, the Administrator shall provide compensation in such amount as he shall determine to be fair and reasonable under the circumstances for (1) extraordinary services heretofore or hereafter rendered by an Agent, General Agent, or Berth Agent, or foreign sub-agent or branch house, which the Administrator finds were not intended to be covered by the compensation provided for in this order, and (2) services required to be performed before delivery or after redelivery or loss of a vessel.

(c) The Administrator reserves the right to make equitable reductions of compensation with regard to any vessel or vessels while idle. No compensation shall be allowed for any period of time lost by reason of the inefficiency of the Agent or General Agent.

(d) The Administrator reserves the right to exempt specific operations from the scope of this General Order 34, or to amend, modify, or terminate said order.

§ 306.99 Accounting. The payment and adjustment of the compensation provided in this order shall be subject to compliance by the Agent, General Agent, or Berth Agent with all and singular the terms and conditions of the applicable service agreements and of such rules and regulations appertaining thereto as have been, or from time to time may be, issued by the War Shipping Administration, including, but not limited to, fiscal regulations prescribing instructions to be observed in billing for such compensation.

§ 306.100 Effective date. (a) Unless otherwise provided, this General Order 34 shall become effective on January 1, 1944, at 12:01 a. m., except that port services rendered to a vessel that has arrived in port prior to January 1, 1944, shall be completed, and compensated for, in accordance with the applicable provisions of General Order 12, rather than under §§ 306.73 and 306.75 of this order, but all such services rendered to a vessel that arrives in port after midnight December 31, 1943, shall be performed and compensated for in accordance with this General Order 34.

(b) Except as provided in paragraph (a) of this section, General Order 12 is cancelled and superseded by this General Order 34, effective as of December 31, 1943, at midnight.

[SEAL]

E. S. LAND,

Administrator,

War Shipping Administration.

DECEMBER 31, 1943.

[F. R. Doc. 44-1; Filed, January 1, 1944;
10:01 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—RULES OF PRACTICE AND PROCEDURE APPLICATIONS FOR PERMITS TO CONSTRUCT OR CHANGE RADIO STATIONS

Upon consideration of a further report and recommendation of its Committee on Critical Radio Materials, and recommendations of the War Production Board, the Commission on January 18, 1944 determined that a further statement should be made with respect to policy in the consideration of applications for authorizations to construct or change radio facilities involving the use of materials.

Present indications are that despite the tremendous expansion of radio production that has taken place in the last two years, the large burden on the industry of meeting military needs will not permit production of equipment for new stations or the expansion of existing stations. All orders and practices looking

toward the conservation of equipment (such as Order 107 relating to operation with reduced power) should be retained in full force and effect. It would not be in the public interest to issue and have outstanding permits for authorizations the terms of which cannot be met within a reasonable period.

The Commission will give consideration to the issuance of conditional grants upon applications where it is shown (1) that a grant will serve an outstanding public need or national interest; (2) that the operation proposed is consistent with the provisions of the Rules and Regulations of the Commission and the conditions and standards prescribed in the Act; and (3) that, after due consideration of the policies and orders of the War Production Board and the facts with respect to existence or availability of necessary materials, there is reasonable prospect that the proposed operation in the vicinity in question can be provided for without substantial delay. The procedure to be employed is as follows:

(1) When a conditional grant is authorized, applicant will be notified to that effect and advised that a permit will not be issued until applicant has satisfied the Commission with respect to the following within 90 days¹ of notice of conditional grant:

(a) By evidence in writing from the War Production Board that any authorization of that Board necessary to carry the construction to completion has been obtained or that none is required.

(b) That applicant is in position to complete all construction necessary to the proposed operation within a reasonable period.

(c) Acceptance of the grant upon these conditions has been submitted in writing within 20 days of date of notice of grant.

(2) Upon a showing that satisfies the conditions prescribed in the conditional grant, the Commission will issue a regular authorization.

(3) If applicant fails to satisfy the conditions within the time allowed, the application will be designated for hearing or given such further consideration as may be found appropriate.

An applicant desiring any further consideration of an application for radio facilities or change in facilities which has been dismissed without prejudice pursuant to the Memorandum Opinion of February 23, 1942, or any one or more of the other statements of policy which have been issued with regard to equipment, may submit a petition for reinstatement of such application within 60 days hereof accompanied with amendments and supplemental information appropriate to any change in circumstances.

This statement is not to be construed as an invitation for the filing of applications; the policy set forth is intended

¹ This time may be extended to a maximum of not to exceed 120 days from the date of notice of intent to grant upon a satisfactory showing that there is reasonable assurance that the conditions can be met in the time specified.

¹ Order 107 appears at 7 F.R. 9348.

only to permit grants that will serve an outstanding public need or national interest, as indicated in this statement.

Dated: January 26, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-1414; Filed, January 28, 1944;
10:10 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 107, Amdt. 1]

PART 95—CAR SERVICE

FREIGHT CARS IN MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of January, A. D. 1944.

Upon further consideration of Service Order No. 107 (8 F. R. 1403) of January 30, 1943, for the purpose of clarifying said order and good cause appearing therefor: *It is ordered*, That:

Service Order No. 107 (8 F. R. 1403) of January 30, 1943, be, and it is hereby, amended by substituting the following paragraphs (a) and (b) for the present paragraphs (a) and (b) in § 95.7:

§ 95.7 *Freight cars including refrigerator cars in Mexico.* (a) The Association of American Railroads, Car Service Division, Washington, D. C., as agent for all United States railroads subscribing to the car service and per diem agreement, is hereby directed to take immediate steps, by the placement of necessary embargoes, to restrict the number of freight cars, including refrigerator cars owned, leased, or otherwise controlled by railroads of the United States moving into Mexico during any semi-monthly period, so that the number of such cars shall not be in excess of the number of cars moving from Mexico to the United States during the previous semi-monthly period.

(b) The number of each type of freight cars, including refrigerator cars owned, leased, or otherwise controlled by railroads of the United States permitted to be in Mexico at any time may be changed by instructions issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., by varying the ratio between cars permitted to be moved into and those moved out of Mexico. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17).)

It is further ordered, That this order shall become effective at 12:01 a. m., January 28, 1944; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C.,

and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-1425; Filed, January 28, 1944;
11:41 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order No. CMA-16]

CEDAR HILL COAL CO., ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

JANUARY 27, 1944.

The mining companies listed in Appendix A hereof do not operate their mines under collective wage agreements with any labor organizations, and have made application to the National War Labor Board for approval of certain wage adjustments in the terms and conditions of employment at said mines. Advice has been received that the National War Labor Board is ready to approve said applications. The companies have advised that they will put the adjustments into effect when approved, and that it is unlikely there will be a recurrence of work stoppages or threats of work stoppages because of labor disputes at their mines.

Based upon such information, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong., 1st Sess.) possession and control by the Government of such mines should be terminated.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in Section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F. R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States

so that the administration of the provisions of Executive Order No. 9393 (8 F. R. 14877) may be concluded in an orderly manner; *And provided further*, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,

Acting Secretary of the Interior.

APPENDIX A

1. Cedar Hill Coal Co., Marion, Ill.
2. New Black Diamond Coal Co., Box 69, Marion, Ill.
3. Oakgrove Coal Co., Marion, Ill.
4. Sims Coal Co., 1008 East Blvd., Marion, Ill.
5. Sunnybrook Coal Co., 606 East Blvd., Marion, Ill.
6. Wilkins Coal Co., 106 East Blvd., Marion, Ill.
7. Willow Springs Coal Co., Marion, Ill.

[F. R. Doc. 44-1435; Filed, January 28, 1944;
12:03 p. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

TEXAS

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued November 3, 1943, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VIII—TEXAS

TYLER COUNTY

Locality I. Consisting of all of Precinct I, except that part designated as Locality II, \$2,395.

Locality II. Consisting of all land south of Wolfe Creek to Neches River in Precinct III, and down Neches River to mouth of Rush Creek, and all land north of Rush Creek back to Highway 190, and all land north of Highway 190, down highway to boundary of Precinct I, and all land in Precinct III north of Precinct I, and south of Wolfe Creek; and, all land in Precinct I, east of Woodville north of Highway 190, up to boundary of Precinct III, and all land in Precinct I, west of Woodville north of Highway 287, up to boundary of Precinct II; and, all of Precinct II, \$2,632.

Locality III. Consisting of all of Precinct III, except that part designated as Locality II, \$1,683.

Locality IV. Consisting of Precinct IV, \$1,580.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved: January 26, 1944.

R. W. HUDGENS,
Acting Administrator.

[F. R. Doc. 44-1417; Filed, January 28, 1944;
11:19 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

WESTERN UNION TELEGRAPH CO.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of the Western Union Telegraph Company for permission to employ messengers at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938.

Whereas notice has been previously given and published in the FEDERAL REGISTER for January 18, 1944 (9 F.R. 702), of a public hearing to be held on February 1, 1944, before Isabel Ferguson, a duly authorized representative of the Administrator, for the purpose of receiving evidence and hearing argument on the following questions:

1. Is it necessary, in order to prevent curtailment of opportunities for employment, to provide by regulations or orders for the employment in the telegraph industry of messengers, employed exclusively in delivering letters or messages, under special certificates, at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938; and if such necessity is found to exist,

2. Under what limitations as to wages, time, number, proportion and length of service may special certificates be issued authorizing the employment of such messengers at subminimum wage rates, and

Whereas notice has been received that interested parties will not be able to attend this hearing on the above date and postponement of the hearing has been requested,

Now, therefore, notice is hereby given that the above-scheduled hearing will be held in Room 1001, 165 West 46th Street, New York, New York, at 10 a. m. on February 23, 1944, before Isabel Ferguson, a duly authorized representative of the Administrator.

Notices of intention to appear to offer evidence at said hearing containing the information prescribed by the original notice of hearing shall be filed with the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, not later than February 22, 1944. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the Presiding Officer at the hearing.

Signed at New York, New York, this 27th day of January 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-1410; Filed, January 28, 1944;
9:10 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5878]

VIRGINIA ELECTRIC AND POWER CO. AND
VIRGINIA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

Notice is hereby given that on January 26, 1944, a joint application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Virginia Electric and Power Company (hereinafter called "Vepco"), a corporation organized under the laws of the Commonwealth of Virginia and doing business in the States of Virginia and North Carolina, with its principal business office at Richmond, Virginia, and Virginia Public Service Company (hereinafter called "VPS"), a corporation organized under the laws of the Commonwealth of Virginia and doing business in the States of Virginia, West Virginia, and North Carolina, with its principal business office at Alexandria, Virginia, whereby Vepco seeks an order authorizing the acquisition by it, by merger, of all the facilities of VPS, and approving certain accounting procedures relative to the proposed merger, or in the alternative an order dismissing the application insofar as it relates to such proposed merger of facilities for lack of jurisdiction, and whereby applicants seek an order authorizing the transfer to Vepco of the interest of VPS in licenses issued by the Commission for Project No. 342 covering a hydro-electric generating station on the James River at Balcony Falls, Virginia, and Project No. 906 covering a hydro-electric generating station on the James River at Cushaw, Virginia, leased by VPS from Hydro-Electric Corporation of Virginia. The application states that upon consummation of this transaction, which is a part of a merger "Plan," Vepco will own all the assets of VPS and will be subject to all liabilities of VPS, except the bonds and debentures of VPS presently outstanding, all of which are to be assumed and redeemed by Vepco in the consummation of the "Plan"; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 13th day of February, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-1415; Filed, January 28, 1944;
11:03 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

DAVID BEZBORODKO AND CHARLES ZUCKER

NOTICE OF SUMMARY PROCEEDINGS FOR ALLOWANCE OF CLAIM

In the matter of the claim of David Bezborodko and Charles Zucker, Claim No. APC-16 re Patent Application Serial

Number 395,384, vested by Vesting Order No. 1028.

The Alien Property Custodian having by the vesting order above identified vested the above described property as property of nationals of a foreign country; and the claimants above identified having filed a Notice of Claim alleging that they are the co-owners of the entire right, title and interest in and to the above described property and that they are not nationals of a designated enemy country; and a recommendation for allowance of said claim having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the Regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting order, claim and recommendation are available for public inspection in Room 633, Office of Alien Property Custodian, National Press Building, 14th and F Streets, N. W., Washington, D. C., and that any person asserting any objection to allowance of the claim shall on or before February 10, 1944, file with the undersigned at the above address on application for hearing accompanied by a statement of the reasons therefor.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim.

Vested Property Claims Committee.

[SEAL]

JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.

[F. R. Doc. 44-1432; Filed, January 28, 1944;
11:40 a. m.]

LEONARD ELION, ET AL.

NOTICE OF SUMMARY PROCEEDINGS FOR ALLOWANCE OF CLAIMS

In the matter of the claims of Leonard Elion, Claim No. APC-17 re Patent No. 2,158,411, vested by V. O. No. 671; Antoine Gazda, Claim No. APC-16 re Patent Application Serial No. 289,661 et al., vested by V. O. No. 1029; James Mellor Jameson, informal claim re Patent No. 2,241,202, vested by V. O. No. 201; and Alfred Marshutz, informal claim re Patent No. 1,952,878, vested by V. O. No. 201.

The Alien Property Custodian having by the vesting orders above identified vested the above described property as property of nationals of a foreign country; and each claimant above identified having filed a Notice of Claim alleging that he is the owner of the entire right, title and interest in and to the property described in each Notice of Claim respectively and that he is not a national of a designated enemy country; and recommendation for allowance of each of said claims having been submitted:

Notice is hereby given, pursuant to § 501.1 (h) of the Regulations of the Office of Alien Property Custodian (8 F.R. 16709), that copies of the said vesting orders, claims and recommendations are available for public inspection in Room 633, Office of Alien Property

Custodian, National Press Building, 14th and F Streets, N. W., Washington, D. C., and that any person asserting any objection to allowance of the claims shall on or before February 10, 1944, file with the undersigned at the above address an application for a hearing accompanied by a statement of the reasons therefor.

The foregoing characterizations of the claims are for informational purposes only, and shall not be construed to constitute an admission or an adjudication of the Office of Alien Property Custodian as to the nature or validity of the claims.

Vested Property Claims Committee.

[SEAL] JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.

[F.R. Doc. 44-1433; Filed, January 28, 1944;
11:40 a. m.]

[Vesting Order 2704]

**VOLKSBUIND FUER DAS DEUTSCHTUM IM
AUSLAND**

In re: United States Agency of Volksbund Fuer Das Deutschtum Im Ausland, Carl G. Orgell, Agent.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the United States Agency of Volksbund Fuer Das Deutschtum Im Ausland (Carl G. Orgell, Agent), established under the laws of the State of New York and a business enterprise within the United States, is an agency of and is owned and controlled by Volksbund Fuer Das Deutschtum Im Ausland;

2. That Volksbund Fuer Das Deutschtum Im Ausland, a German membership society, whose principal place of business is located in Berlin, W-30, Germany, is a national of a designated enemy country (Germany);

and determining:

3. That the United States Agency of Volksbund Fuer Das Deutschtum Im Ausland (Carl G. Orgell, Agent) is owned and controlled by and is acting for and on behalf of Volksbund Fuer Das Deutschtum Im Ausland, and is a national of a designated enemy country (Germany);

4. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to Volksbund Fuer Das Deutschtum Im Ausland, and/or to its Agency within the United States, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on December 2, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1426; Filed, January 28, 1944;
11:37 a. m.]

[Vesting Order 2894, Amdt.]

FANNIE TIEDEMANN

In re: Estate of Fannie Tiedemann, deceased; File D-28-3670; E.T. sec. 3093.

Whereas the name of one of the nationals of a designated enemy country, Germany, listed in Finding (2) of Vesting Order Number 2894 is erroneously spelled "Wolfgang Tiedemann," and the correct spelling of the name of this national is "Wolfgang Tiedemann,"

Now, therefore, Vesting Order Number 2894 is hereby amended as follows and not otherwise:

The name "Wolfgang Tiedemann" is substituted in the place and stead of "Wolfgang Tiedemann" wherever the latter appears in said vesting order.

All other provisions of such Vesting Order Number 2894 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Dated: January 24, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1427; Filed, January 28, 1944;
11:38 a. m.]

[Vesting Order 2942]

GEBRUDER BREHMER

In re: Machine and spare parts owned by Gebruder Brehmer of Leipzig, Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Gebruder Brehmer is a business enterprise having its principal place of business at Leipzig W-81, Germany, and is a national of a designated enemy country (Germany);

2. That Gebruder Brehmer is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows:

One wire stitcher No. 105 (rapid) with one large detachable spool, and one reel of wire, with motor-rails, machine arranged for electric drive, Manufacturer No. 197, now in the possession of Karl Krause U. S. Corporation, 55 Vandam Street, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 13, 1944.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1428; Filed, January 28, 1944;
11:37 a. m.]

[Vesting Order 2943]

DORNEMANN & Co.

In re: Brass type fonts owned by Dornemann & Co. of Magdeburg, Germany.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Dornemann & Co. is a business enterprise having its principal place of business in Magdeburg, Germany, and is a national of a designated enemy country (Germany);

2. That Dornemann & Co. is the owner of the property described in paragraph 3 hereof;

3. That the property described as follows: The brass type fonts more particularly described in Exhibit A hereto attached and by reference made a part hereof, located on the premises of Karl Krause U. S. Corporation, 55 Vandam Street, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in paragraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 13, 1944.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A—MERCHANDISE

Brass type fonts	Pieces	Fonts
Caps, 0927A.....	94	1
Numerals, 0927A.....	11	1
Caps, 0928A.....	200	1
Caps, 0930A.....	100	1
Caps, 0931A.....	100	1
Caps, 0935A.....	100	1
Caps and lower, 0944.....	175	1

EXHIBIT A—MERCHANDISE—Continued

Brass type fonts	Pieces	Fonts
Caps and lower, 0921.....	175	1
Caps, 0924A.....	100	1
Caps, 0922A.....	100	1
Caps, 0911A.....	100	1
Caps, 0910A.....	100	1
Caps, 0908A.....	100	1
Caps, 0907A.....	100	1
Caps, 0904A.....	100	1
Caps, 0906A.....	100	1
Caps and lower, 0903.....	175	1
Caps and lower, 0902.....	175	1
Caps, 0898A.....	100	1
Caps, 0883A.....	100	1
Caps and lower, 0885.....	175	1
Caps, 0884.....	41	1
Caps, 0887A.....	100	1
Caps, 0888A.....	100	1
Caps, 0889A.....	200	2
Caps and lower, 0891.....	175	1
Caps, 0892A.....	300	3
Caps, 0893A.....	100	1
Caps and lower, 0893.....	175	1
Caps and lower, 0894.....	175	1
Caps, 0895A.....	100	1
Caps and lower, 0895.....	175	1
Caps, 0882A.....	100	1
Caps, 0882A.....	48	1
Caps, 0881A.....	100	1
Caps, 0881A.....	99	1
Caps, 0880A.....	200	2
Caps, 0879A.....	100	1
Caps, 0845A.....	100	1
Caps, 0842A.....	100	1
Caps, 0803A.....	100	1
Caps, 0802A.....	100	1
Caps, 0768A.....	80	1
Numerals, 0768A.....	20	1
Caps, 0767A.....	28	1
Caps, 0766A.....	200	2
Caps, 0755A.....	302	3
Caps and lower, 0755.....	525	3
Caps, 0756A.....	100	1
Caps, 0757A.....	200	2
Caps, 0758A.....	200	2
Caps, 0759A.....	200	2
Caps, 0760A.....	100	1
Caps, 0761A.....	100	1
Caps, 0762A.....	300	3
Caps, 0765A.....	39	1
Caps, 0754A.....	100	1
Caps and lower, 0754.....	700	4
Caps, 0752A.....	200	2
Caps and lower, 0752.....	175	1
Caps, 0750A.....	200	2
Caps and lower, 0750.....	175	1
Caps, 0746A.....	100	1
Caps, 0745A.....	100	1
Caps, 0743A.....	200	2
Caps, 0742A.....	100	1
Caps, 0706A.....	100	1
Caps, 684A.....	200	2
Caps and lower, 0684.....	525	3
Caps and lower, 0685.....	350	2
Caps, 0685A.....	100	1
Caps, 0687A.....	100	1
Numerals, 0703A.....	80	1
Caps, 0702A.....	200	2
Caps, 0704A.....	200	2
Caps, 0705A.....	200	2
Caps and lower, 0683.....	175	1
Caps, 0680A.....	100	1
Caps, 0683A.....	100	1
Caps and lower, 0682.....	175	1
Caps, 0682A.....	100	1
Caps and lower, 0681.....	175	1
Caps, 0663A.....	100	1
Caps and lower, 0665.....	175	1
Caps, 0667A.....	100	1
Caps, 0668A.....	100	1
Caps, 0580A.....	100	1
Caps, 0582A.....	100	1
Caps, 0583A.....	100	1
Caps, 0588A.....	100	1
Caps, 0640A.....	100	1
Caps, 0642A.....	100	1
Caps, 0645A.....	100	1
Caps, 0660A.....	100	1
Caps and lower case, 0661.....	175	1
Caps, 0662A.....	100	1
Caps and lower case, 0663.....	175	1
Caps, 0664A.....	200	4
Caps and lower case, 0664.....	175	1

[F. R. Doc. 44-1429; Filed, January 26, 1944;
11:37 a. m.]

[Vesting Order 2984]

F. WITTKA AND MICHAEL NEUBAUER
In re: Inventions and disclosures of
F. Wittka and Michael Neubauer
Under the authority of the Trading
with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That F. Wittka is a citizen of Germany and a resident of Italy and is a national of foreign countries (Germany and Italy);

2. That Michael Neubauer is a citizen and resident of Hungary and is a national of a foreign country (Hungary);

3. That the property described in subparagraph 5a hereof is property of F. Wittka;

4. That the property described in subparagraph 5b hereof is property of Michael Neubauer;

5. That the property described as follows:
(a) The disclosure identified as follows:

TC-Number, Inventor, Invention, Other
Identifications

TC-486; F. Wittka; Process for the hydrogenation of unsaturated compounds; German patent application No. W-105,469.

together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosure.

(b) The disclosures identified as follows:

TC-Number, Inventor, Invention, Other
Identifications

TC-486; Michael Neubauer; Process for the production of glycerine by fermentation; Hungarian patent No. 13677/1938.

TC-488 (a); Michael Neubauer; Process for effecting acetone-butanol fermentation; Hungarian patent No. 13747/1938.

together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures,

is property of nationals of foreign countries (Germany, Hungary, Italy);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an

admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 22, 1944.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1430; Filed, January 28, 1944;
11:37 a. m.]

[Vesting Order 3002]

I. G. FARBEINDUSTRIE, A. G., AND BOEHME
FETTCHIE G. M. B. H.

In re: Interests of I. G. Farbenindustrie Aktiengesellschaft and Boehme Fettchemie G. m. b. H. in an agreement between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., dated October 25, 1938, and November 7, 1938.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That I. G. Farbenindustrie Aktiengesellschaft and Boehme Fettchemie G. m. b. H. are corporations organized under the laws of Germany and are nationals of a foreign country (Germany);

2. That the property identified in subparagraph 4a hereof is property of I. G. Farbenindustrie Aktiengesellschaft;

3. That the property identified in subparagraph 4b hereof is property of Boehme Fettchemie G. m. b. H.;

4. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for the breach of the agreement hereinafter described, together with the right to sue therefor) created in I. G. Farbenindustrie Aktiengesellschaft by virtue of an agreement by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., consummated by the exchange of a letter and a cable between the parties dated October 25, 1938, and November 7, 1938, respectively, and all amendments of and supplements to said agreement, including, but not by way of limitation, an agreement relating to Textile Assistants and similar products, dated March 18, 1940, by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline & Film Corporation and a letter from I. G. Farbenindustrie Aktiengesellschaft to General Aniline & Film Corporation dated March 1940,

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for the breach of the agreement hereinafter described, together with the right to sue therefor) created in Boehme Fettchemie G. m. b. H. by virtue of an agreement by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline Works, Inc., consummated by the exchange of a letter and a cable between the parties dated October 25, 1938, and November 7, 1938, respectively, and all amendments of and supplements to said agreement, including, but not by way of limitation, an agreement relating to Textile Assistants and similar products, dated March 18, 1940 by and between I. G. Farbenindustrie Aktiengesellschaft and General Aniline & Film Corporation and a letter from I. G. Farbenindustrie Aktiengesellschaft to General Aniline & Film Corporation dated March, 1940.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 24, 1944.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 44-1431; Filed, January 28, 1944;
11:37 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 20A-62]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE COSHOCTON, OHIO, AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,¹ and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Coshocton, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of

necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-62" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio.

8. This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time

¹ Filed as part of the original document.

as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

City Cab Company, 629 Walnut Street, Coshocton, Ohio.

T. V. Michael, dba Michael Taxi, 101 Hickory Street, Coshocton, Ohio.

Harvey Turner, 101 Hickory Street, Coshocton, Ohio.

Sam Scherrer, 101 Hickory Street, Coshocton, Ohio.

Sprague Taxi Company, Main and Hickory Streets, Coshocton, Ohio.

[F. R. Doc. 44-1411; Filed, January 28, 1944; 10:07 a. m.]

[Supp. Order ODT 20A-63]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS, IN THE LOGAN AND MAN, W. VA., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,¹ and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Logan and Man, West Virginia, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the

operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Charleston, West Virginia, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-63" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Charleston, West Virginia.

8. This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Logan Taxi Inc., Logan, West Virginia.
Guyan Taxi Co., & Rum Jct. Taxi Co., Logan, West Virginia.

Red Top Cab Co., Logan, West Virginia.
City Taxi Co., Logan, West Virginia.
Black Diamond Cab Co., Logan, West Virginia.

Alex White Taxi Co., Man, West Virginia.
Carter Taxi Co., Man, West Virginia.

[F. R. Doc. 44-1412; Filed, January 28, 1944; 10:07 a. m.]

[Supp. Order ODT 20A-64]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN THE WHEELING, W. VA., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,¹

and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Wheeling, West Virginia, including Belaire, Bridgeport, Martins Ferry, and St. Clairsville, Ohio, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority or any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

¹Filed as part of the original document.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-64" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Zanesville, Ohio.

8. This order shall become effective February 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 28th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

APPENDIX 1

Terminal Cab Company, Bridgeport, Ohio.
Martins Ferry Taxi, Martins Ferry, Ohio.
St. Clair Taxi Service, St. Clairsville, Ohio.
Bellaire Cab Company, Bellaire, Ohio.
Burns and Church Baggage and Yellow Cab Company, Inc., Wheeling, West Virginia.
Wheeling Cab Company, Wheeling, West Virginia.
Wagner Taxi Service, Wheeling, West Virginia.

[F. R. Doc. 44-1413; Filed, January 28, 1944;
10:07 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 27 Under MPR 306]

PACKED GRAPEFRUIT JUICE

AUTHORIZATION OF MAXIMUM PRICES

Order 27 under Maximum Price Regulation No. 306. Certain packed food products.

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1341.566 of Maximum Price Regulation No. 306, *It is ordered:*

(a) That sales and deliveries of packed grapefruit juice of the 1944 pack may be made by processors to government procurement agencies, subject to an agreement between the buyer and seller, in each case, that the price shall be determined pursuant to action taken by the Office of Price Administration after delivery.

In such sales the processor shall not invoice the goods at a price higher than the maximum price for the particular sale in effect at the time of delivery, nor shall he collect or receive more than that price until appropriate action has been taken by the Office of Price Administration.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective January 27, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 27th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-1405; Filed, January 27, 1944;
3:57 p. m.]

No. 21—4

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Order 51 were filed with the Division of the Federal Register on January 27, 1944.

REGION III

Columbus, Order No. 3-F, Amendment No. 2, filed, 10:19 a. m.
Escanaba, Order No. 6-F, Amendment No. 11, filed, 10:16 a. m.
Escanaba, Order No. 7-F, Amendment No. 11, filed, 10:16 a. m.
Escanaba, Order No. 8-F, Amendment No. 11, filed, 10:16 a. m.
Charleston, Order No. 1-F, Amendment No. 6, filed, 10:18 a. m.
Charleston, Order No. 2-F, Amendment No. 4, filed, 10:18 a. m.
Charleston, Order No. 3-F, Amendment No. 2, filed, 10:18 a. m.
Charleston, Order No. 3-F, Amendment No. 3, filed, 10:18 a. m.
Charleston, Order No. 5-F, filed, 10:19 a. m.
Charleston, Order No. 21, Amendment No. 1, filed, 10:19 a. m.
Charleston, Order No. 26, Amendment No. 1, filed, 10:19 a. m.
Cincinnati, Order No. 8, Amendment No. 1, filed, 10:17 a. m.

REGION IV

Atlanta, Order No. 1-F, Amendment No. 4, filed, 10:10 a. m.
Atlanta, Order No. 3-F, Amendment No. 2, filed, 10:11 a. m.
Atlanta, Order No. 5-F, Amendment No. 1, filed, 10:10 a. m.
Nashville, Order No. 5-F, Amendment No. 2, filed, 10:16 a. m.
Savannah, Order No. 1-F, Amendment No. 19, filed, 10:12 a. m.
Savannah, Order No. 2-F, Amendment No. 14, filed, 10:12 a. m.
Savannah, Order No. 3-F, Amendment No. 12, filed, 10:12 a. m.
Savannah, Order No. 4-F, Amendment No. 11, filed, 10:13 a. m.

REGION V

Shreveport, Order No. 2-F, Amendment No. 1, filed, 10:10 a. m.

REGION VI

Duluth-Superior, Order No. 1-F, filed, 10:11 a. m.
Milwaukee, Order No. 3, Amendment No. 9, filed, 10:13 a. m.
Milwaukee, Order No. 10, Amendment No. 7, filed, 10:17 a. m.
Twin Cities, Order No. G-8, filed, 10:17 a. m.

REGION VIII

Phoenix, Order No. 8, Amendment No. 1, filed, 10:11 a. m.
Sacramento, Order No. 1-F, Amendment No. 2, filed, 10:13 a. m.
Sacramento, Order No. 2-F, Revocation, filed, 10:15 a. m.
Sacramento, Order No. 3-F, Amendment No. 2, filed, 10:14 a. m.
Sacramento, Order No. 4-F, Revocation, filed, 10:15 a. m.
Sacramento, Order No. 5-F, Amendment No. 2, filed, 10:14 a. m.
Sacramento, Order No. 6-F, filed, 10:14 a. m.
Sacramento, Order No. 7-F, filed, 10:15 a. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44-1434; Filed, January 28, 1944;
11:49 a. m.]

[Columbus Order G-1 Under MPR 429]

REBUILT UPHOLSTERED FURNITURE IN COLUMBUS, OHIO, DISTRICT

Correction

The prices opposite "Group determination B" in Appendix A of F. R. Doc. 44-576, which appears on page 547 of the issue for Thursday, January 13, 1944, should read:

"Class B-1, \$120.00²"; "Class B-2, \$140.00²"; "Class B-3, \$160.00²."

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-32]

SIMMS PETROLEUM Co.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of January, A. D. 1944.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Capital Stock, \$10 Par Value, of Simms Petroleum Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, February 7, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-1423; Filed, January 28, 1944;
11:42 a. m.]

[File Nos. 54-57, 59-57]

AMERICAN UTILITIES SERVICES CORP., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of January, 1944.

In the matter of American Utilities Service Corporation, File No. 54-57; and

American Utilities Service Corporation and its subsidiary companies, Respondents, File No. 59-57.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Corporation ("American"), a registered holding company. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

1. American Utilities Service Corporation proposes to sell to Fred D. Ellis of Chicago, Illinois, all (95,000 shares, par value \$5 per share) of the issued and outstanding common stock of Northwestern Illinois Utilities ("Northwestern"), an electric and gas utility company and a subsidiary company of American, together with the unsecured 6% promissory note of Northwestern dated November 1, 1938 and due November 1, 1964 in the principal amount of \$375,000, for a cash consideration of \$840,000 with interest at the rate of 6% per annum from January 1, 1944 to closing date. It is contemplated that said sale and purchase will be consummated not later than April 30, 1944.

2. The Northwestern securities proposed to be sold by American are presently pledged with Continental Illinois National Bank and Trust Company of Chicago, as Trustee, under the Indenture securing the Collateral Trust 6% Bonds, Series A, of American. The proceeds of the sale of the Northwestern securities will be delivered by American to the above Trustee in accordance with the terms of said Indenture, and used to retire \$800,000 in principal amount of said 6% Collateral Trust Bonds.

3. Proceedings are now pending before the Commission, pursuant to sections 11 (e), 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to the simplification and integration of the holding company system of American. American states that the transaction proposed herein is in furtherance of its program whereby American will cease to be a holding company under the act.

4. The said declaration or application contains a request that the Commission enter an order reciting in substance that the transactions proposed herein are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said declaration should not become effective nor said application be granted except pursuant to further order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions

of said Act and Rules of the Commission thereunder be held on February 15, 1944, at 10:00 o'clock, a. m., e. w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing copies of this order by registered mail to declarants or applicants and to the Illinois Commerce Commission, and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein, shall file with the Secretary of the Commission on or before February 12, 1944, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (e) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration or application otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be received, including all fees, commissions and other remuneration to whomsoever paid in connection with the proposed transactions, is fair and reasonable.

2. Whether competitive conditions have been maintained for the sale of the securities.

3. The propriety of the proposed accounting treatment of the transactions on the books of the declarant or applicant.

4. The identity of the purchaser, and his interest, if any, in any other public utility.

5. Whether the Commission should enter an order pursuant to section 11 (b) or 11 (e) of the act requiring or approving the action proposed.

6. Whether the action proposed to be taken is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

7. Whether the action proposed to be taken is fair and equitable to the persons affected thereby.

8. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers.

9. Generally, whether all actions proposed to be taken comply with the requirements of the Public Utility Holding Company Act of 1935 and Rules, Regulations or Orders promulgated thereunder. By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-1424; Filed, January 28, 1944;
11:42 a. m.]

WAR PRODUCTION BOARD

FRASER PAPER, LIMITED
CONSENT ORDER

Fraser Paper, Limited, of Madawaska, Maine, doing business under the name and style of Fraser Paper, Limited, is charged by the War Production Board with violating Limitation Order L-11, in that it produced during the period from November 15, 1941 to October 1, 1943, various runs of certain grades of paper the brightness of which exceeded the brightness ceilings specified in paragraph (d) (1) of the order; said Fraser Paper, Limited, admits the above violations charged without, however, admitting that it was done wilfully, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Fraser Paper, Limited, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, It is hereby ordered, That:

(a) Fraser Paper, Limited, shall submit for a period of six months to the Manager of the War Production Board Compliance Department in Region I before the tenth day of each month, an accurate transcript of each of its brightness tests made by the General Electric Brightness Tester on its runs of paper production for the preceding month. Each test shall include: date of manufacture; number of machine runs; basis weight of paper; grade of paper; tonnage of run; brightness test; applicable L-11 ceiling.

(b) Nothing contained in said order shall be deemed to relieve said Fraser Paper, Limited, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on January 27, 1944 and shall expire on July 27, 1944.

Issued this 20th day of January 1944.
WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-1409; Filed, January 27, 1944;
4:25 p. m.]